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F.O. 413/50

PART 48.

FURTHER CORRESPONDENCE

RESPECTING THE

AFFAIRS OF MOROCCO.

CLOSED UNTIL 1966

60

1914–1915.

F.O. 413/1

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Further Correspondence respecting the Affairs of Morocco.

Part 48.

[207] No. 1.

Mr. White to Sir Edward Grey.—(Received January 2.)

(No. 1.)
(Telegraphic.) R. *Tangier, January 2, 1914.*

YOUR telegram No. 1 of 2nd January.

Regret that I am unable to suggest anyone to represent His Majesty's Government on Commission; expert required from financial as well as engineering point of view.

Scheme for concession could be examined as well at Paris as here; but it would be advantageous that Commission should also decide what plans should be adopted for harbour, and for that it would be necessary to be on the spot.

Inclusion of Dutch delegate would prevent difficulties being subsequently raised by Netherlands Government. I am of opinion that Commission should merely decide on plans for harbour and scheme of concession, but decision as to which of competing companies should receive concession would lie with Adjudications Commission. If that is so, Dutch delegate could not favour new company.

[207] No. 2.

*Sir Edward Grey to M. Cambon.**

Your Excellency, *Foreign Office, January 5, 1914.*

WITH reference to the note which you were good enough to address to me on the 14th ultimo, I have the honour to inform your Excellency that His Majesty's Government accept in principle the idea of the appointment of a technical commission, consisting of delegates of the British, French, German, Spanish, and Netherlands Governments, to consider plans for the construction of the proposed harbour works at Tangier. The task of the commission should, His Majesty's Government consider, be limited to deciding upon the plans for the construction of the harbour and a scheme of concession, while the decision as to which of the competing companies should receive the concession ought to be left in the hands of the Adjudications Commission. As regards the seat of the proposed commission, His Majesty's Government feel that Tangier would be more suitable than Paris, as plans for the harbour works could be considered more expeditiously, and with better local knowledge, by experts working on the spot. In agreeing to the inclusion of a Netherlands delegate, His Majesty's Government are influenced by the desire to obviate any difficulties being raised subsequently by the Netherlands Government, who may consider that Dutch shipping has special interests at Tangier.

In order to avoid possible demands for representation on the part of other Powers with representatives at Tangier, and to prevent further delay, His Majesty's Government would deprecate the matter being in the first case submitted to the Diplomatic Body at Tangier, or the latter being invited to nominate the proposed commission. Once an agreement is reached between the five Powers most directly interested in the shipping

* Also to Prince Lichnowsky, *mutatis mutandis*.

of Tangier no very serious opposition need, in the opinion of His Majesty's Government, be expected from the other Powers.

I have the honour to add that the appointment of a suitable British delegate is under consideration.

I am, &c.
EYRE A. CROWE

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[207] No. 3.

Foreign Office to Board of Trade.

Sir, *Foreign Office, January 5*, 1914.

I AM directed by Secretary Sir E. Grey to state that, on the receipt of your letter of the 30th ultimo, a telegram was addressed to His Majesty's Chargé d'Affaires at Tangier, enquiring whether he was able to suggest a suitable person to represent His Majesty's Government on the proposed technical commission to consider the plans for the construction of the Tangier harbour works.

In his reply, Mr. White states that he is unable to suggest a suitable representative but that in his opinion the person chosen should be an expert from a financial as well as from an engineering point of view. He urges that the task of the commission should be to examine and settle the plans for the harbour works and the scheme of concession, but that the decision as to which of the competing firms should receive the concession should be left to the Adjudications Commission. Sir E. Grey has approved these suggestions, and is accordingly informing the French Government.

Sir E. Grey would be glad if the Board of Trade would favour him with an expression of their view whether, in the light of this further information concerning the duties of the commission, Captain Frederick would be the most suitable person to represent His Majesty's Government on that body. Should the Board consider that Captain Frederick is, in all the circumstances, the best choice which could be made, I am to enquire what remuneration they consider should be offered to him in the event of his being disposed to accept the appointment.

I am, &c.
EYRE A. CROWE.

[2264] No. 4.

Mr. White to Sir Edward Grey.—(Received January 17.)

(No. 4.)

Sir, *Tangier, January 7*, 1914.

WITH reference to your despatch No. 210 of the 23rd ultimo in regard to the question of the nationality of the subordinate officials in the public services of the future municipality of Tangier, I have the honour to report that, in my opinion, the system originally agreed upon at Madrid of dividing the employés into categories, and stipulating that no nation should hold more than a certain proportion of the posts of each category, far preferable to the system adopted in the last draft under which no nation can hold more than a certain proportion of posts in each department or service.

I consider, however, that we should strongly oppose the French contention that the Public Works Department should be excluded from the arrangement, unless, indeed, the French Government will consent to considerably reduce the proportion they claim in the other departments.

The Public Works Department is at present constituted with a Franco-Spanish staff, the French element largely predominating. To give France and Spain the right to all the posts in that department in addition to the possibility of obtaining 50 per cent. of the other posts, a possibility which, in the case of France at any rate, may be taken to be more than a probability, in fact one may say a certainty, appears to be conceding far too strong a position to that Power.

I am of opinion that the most satisfactory solution would be to revert to our original arrangement with two modifications: (1) reducing to three the five categories of employés mentioned in our orignal article 110 of the convention, and (2) raising the percentage to be allowed to one nationality to 50, as lately agreed upon.

I beg leave to submit herewith amended drafts of article 22 of the convention and article 110 of the dahir, with the above-mentioned modifications introduced.

The proportion of posts allowed to one nationality would be precisely the same under either system if 50 per cent. is adopted as the limit. In practice it would work out that the French would have more than 50 per cent. of the employés in the departments under their control, and proportionately less in the other departments. The principal objections raised by the French to the original scheme were (1) that the nationality question would interfere with promotion in the different departments, and (2) that the obligatory mixture of nationalities in each department would be prejudicial to the smooth working of the department. Both these objections are overcome by the scheme I am now putting forward.

On the other hand, if there is no division whatever into categories, we may expect to see Frenchmen put into all the higher posts, and only the very subordinate posts allotted to persons of other nationalities, whilst by separating out the second grade of officials, namely, those immediately under the heads of departments, we will ensure, at any rate, the French not obtaining more than half those appointments for their nationals.

That there will be rivalry, friction, and unpleasant incidents I fear is inevitable, for since my return to Tangier I have lost all hope of the French and Spanish ever rising to the situation and sinking petty feelings of rivalry in the general interests of Tangier.

I have, &c.
HERBERT E. WHITE.

Enclosure 1 in No. 4.

Article 22 of Convention.

TO stand as at present down to "(5.) Importance de la navigation (moyenne du tonnage et du nombre des navires)," and after that to continue as follows:—

"Toutefois aucune nationalité ne pourra détenir plus de 50 pour cent des emplois municipaux proprement dits dans chacune des catégories suivantes:

"Chefs de département central ou de service autonome.
"Chefs de bureau ou de service rattaché et assimilé.
"Agents ou employés subalternes.
"Les chefs de département ou de service autonome" (down to the end of the article as in latest draft).

Enclosure 2 in No. 4.

Article 110 of Dahir.

TOUS les fonctionnaires, agents et employés des services publiques de la Zone internationale, sauf les exceptions expressément prévues et sous réserve de droits acquis en vertu de contrats déjà existants, seront recrutés par voie de concours sur titres.

La commission chargée de procéder au classement des candidats, lorsqu'il s'agira de pourvoir à une vacance de chef de département central ou de services autonome, est composée de l'agent et consul général de la nation intéressée, président, et des personnalités les plus compétentes désignées par le Comité de Contrôle.

Dans les autres cas la commission de classement est composée du chef de département ou service autonome intéressé, président, et des personnalités les plus compétentes désignées par le Comité de Contrôle.

Le candidat classé premier est nommé par l'administrateur en chef, conformément à la proposition du président de la commission de classement.

[2282] No. 5.

Sir A. Hardinge to Sir Edward Grey.—(Received January 17.)

(No. 8.)

Sir, *Madrid, January 13, 1914.*

I ASKED the Minister of State this afternoon when he would be able to give me his reply to the note which you had instructed me to address to him on the subject of the Government of Tangier.

His Excellency said that he hoped to be able to do so shortly, but he could tell me in the meantime that the Spanish Government regarded some of the proposals which had been made to it by the embassies of Great Britain and France as open to serious objections. It was evidently the intention of the French Government to establish French preponderance at Tangier in a manner entirely inconsistent with the contemplated internationalisation of that place, and he again reverted to the question of the Thabors, to the additional powers given to Moorish nominees of France, and to the distinction made between the French and Spanish and Arabic languages, the first of which was "official" and the other two only "facultative." Although the Spanish population in Tangier was as two to one in its numerical relation to the French, Spain asked only for equality with France; but while she did not claim a position of superiority even to the extent of an inch, she could not, if only to that extent, brook one of inferiority.

His Excellency described, as illustrating the spirit which actuated the French agents at Tangier, an incident to which he had already called my attention in a private note dated the 2nd instant (a copy of which I have the honour to enclose herewith), and about which the King of Spain had also spoken to me. I may add that I had replied to his Excellency that before taking any action on the note I should wait to see if the settlement which it foreshadowed as the result of the next meeting of the Sanitary Commission was of a nature to satisfy the Spanish side, and I understand from the Marquis de Lema that, to some extent through the good offices of Mr. White, the matter has been arranged in such a way as to give equal representation on the Sanitary Board to the French and Spanish elements, so that the incident may be regarded as closed. But it has occasioned some annoyance here, and the King, in alluding to the general question of Tangier, expressed some disappointment that the exchange of visits with President Poincaré and the efforts he had made to promote cordial relations with the French had not rendered the latter more conciliatory. His Majesty, moreover, alluded in a tone of decided resentment to the objections raised by the French Government to French officers serving in the Thabors under a Spanish commander, when they had offered none to serving under a Swiss; but he added that he had nothing but praise for the friendly spirit in which M. Geoffray had endeavoured to smooth all these Moorish difficulties, and he was evidently not pleased with the part played in regard to them by Germany, which was, he said, supplying arms (through the Mannesmanns) to the tribes in revolt in the Spanish zone.

I think it is quite clear that the Spanish Government will press strongly for a modification of the drafts about Tangier. The point which the Marquis de Lema made about the question of language is a small one, on which the French could surely give way without loss of dignity, as the Spanish demand is merely for complete equality, which is all that we have got in Egypt after submitting for years to the placing of the English language on a footing of very practically inconvenient inferiority to Arabic, French, and Italian.

The Marquis de Lema told me that he had explained to my French colleague, who has just gone on a short leave, the objections entertained by the Spanish Government to their latest proposals, and that M. Geoffray had advised him to formulate them in writing in a note addressed either to the French Embassy here or to the Spanish Ambassador at Paris.

I have, &c.
ARTHUR H. HARDINGE.

Enclosure 1 in No. 5.

The Marquis de Lema to Sir A. Hardinge.

Mon cher Ambassadeur, *Madrid, le 2 janvier, 1914.*

J'AI reçu hier soir une dépêche de notre Chargé d'Affaires à Tanger sur le regrettable incident de la Commission d'Hygiène, que vous connaissez déjà par les journaux, dont la version coïncide exactement avec celle du représentant d'Espagne.

J'espère que les choses pourront s'arranger à la séance que la commission tiendra cet après-midi, et en attendant, si je vous en donne connaissance, c'est simplement pour attirer votre attention sur cet incident symptomatique.

Agréez, &c.
M. DE LEMA.

Enclosure 2 in No. 5.

M. Roberts to the Marquis de Lema.

(Translation.) *Tangier, January 1, 1914.*

LAST night, ten minutes before the closing of the lists of subscribers to the Commission of Hygiene, the delegate of the French consul, without any right whatsoever, refused to receive those which were presented by Spain, injuring by word the guards of the consulate and closing the subscription. Some moments before this occurrence 800 Spaniards and 500 Frenchmen were inscribed, and a quarter of an hour before the closing of the list M. Coher, clerk of the French consulate, appeared with a list of more than 1,000 names, which were immediately added to the list, and thereupon refused to enter those of the Spaniards. In view of the evident injury which had been done, the Spanish consul protested energetically, and refused to accept the proposal of the French consul to the effect that the list of Spanish names should then be added, limiting the number of subscribers to 300, thereby giving France the majority.

LOPEZ ROBERTS.

[2744] No. 6.

Memorandum communicated by M. Cambon, January 19, 1914.

LE Gouvernement français se rallie volontiers au choix fait par la note britannique du 5 courant de Tanger comme lieu de réunion de la commission chargée d'étudier le projet de port de Tanger; il aurait, pour sa part, accepté très volontiers d'adjoindre à cette commission un délégué hollandais; mais le Gouvernement allemand s'est prononcé contre l'admission d'un représentant des Pays-Bas, dans la crainte d'éveiller les susceptibilités d'autres Etats.

On pourrait donc convenir que la commission sera composée de délégués français, britanniques, allemands et espagnols, et qu'elle se réunira à Tanger.

Mais M. Doumergue estime que ladite commission devrait être nommée par le Corps diplomatique de Tanger, qui, en l'état actuel des choses, a seul le pouvoir de créer une commission chargée de lui faire un rapport sur le projet du port de Tanger.

Il convient, en effet, de rappeler que, aux termes de la note française du 13 décembre dernier, c'est l'engénieur en chef des Travaux publics de la Taxe spéciale qui a demandé à être assisté dans l'instruction de l'affaire de Tanger par une commission; et cette commission, après avoir examiné les projets dont elle serait saisie par M. Porché, ferait au Corps diplomatique ses propositions pour le choix du concessionnaire du port.

Dans la pensée du Gouvernement français, l'ingénieur en chef de la Taxe spéciale aurait demandé au Corps diplomatique de nommer une commission technique et, les agents français, britannique, allemand et espagnol ayant reçu les instructions suggérées par le Gouvernement français, il serait probablement facile de faire désigner par le Corps diplomatique des délégués des quatre États les plus directement intéressés à la création du port de Tanger. Cette procédure permettrait d'adresser le plus rapidement possible cette importante affaire.

Avec une commission indépendante et à programme aussi limité que le suggère

la note britannique du 5 janvier, il est à craindre que l'on n'obtienne pas le même résultat, et le Corps diplomatique voudra certainement examiner à nouveau tous les projets, ce qui causera une nouvelle perte de temps.

L'Ambassadeur de France espère que ces considérations amèneront Sir Edward Grey à accepter la suggestion faite dans sa note du 13 décembre.

Ambassade de France, Londres,
le 19 janvier, 1914.

[2264] No. 7.

Sir Edward Grey to Mr. White.

(No. 10.)

Sir, *Foreign Office, January 26*, 1914.

I HAVE received your despatch No. 4 of the 7th instant giving your views as to the best method of settling the question of the nationality of the subordinate officials in the public services of the future municipality of Tangier.

There is, in my opinion, no occasion to put forward any further proposal for the moment. His Majesty's Government stand at present on the draft which has been communicated to the Spanish Government, and they cannot honourably withdraw from it if it be accepted by the Spanish Government and no further alteration be demanded by the French Government. Its acceptance in its present form by both those Governments appears to me, however, unlikely. If and when modifications are definitely proposed, it will be possible to fall back on your present recommendation.

I am, &c.
E. GREY.

[3815] No. 8.

Sir A. Hardinge to Sir Edward Grey.—(Received January 27.)

(No. 15.)

Sir, *Madrid, January 23*, 1914.

I HAVE the honour to transmit herewith a translation of the note in which the Spanish Minister of State replies to that which I addressed to his Excellency, as reported in my despatch No. 182 of the 19th November last, on the subject of the future government of Tangier.

Though I lose no time in forwarding it for your information, I abstain from commenting on this document until I have had an opportunity of discussing its contents, both with the Marquis of Lema and my French colleague; but I would ask you before you come to any decision upon it to await a further communication from me, as it is only fair to the Spanish Government that it should be given, in consideration of the great importance of its interests at Tangier, all facilities for expressing its views, and putting forward any counter-proposals to the suggestions which we have made to it.

I have, &c.
ARTHUR H. HARDINGE.

Enclosure in No. 8.

The Marquis de Lema to Sir A. Hardinge.

Your Excellency, *Madrid, January 20*, 1914.

I HAVE examined, with the attention which the importance of the matter demands, the modifications which His Britannic Majesty's Government wishes to introduce into the draft of the agreement and dahir respecting the municipality of Tangier.

And I am happy, in the first place, to inform your Excellency that, in their desire to facilitate the attainment of a speedy and satisfactory conclusion of the matter, the Spanish Government accepts the following articles: 1, 4, 5, 6, 26, 27, and 30 (new) of the draft agreement; 8, 14, 18, 31, 35, 38, 39, 64, 76, 85, 93, 102, 111, 120, 121, 122, 125, and 126 (new) of the draft of the dahir.

The Spanish Government is also disposed to agree to the new wording of other articles with the slight variations given below:—

Draft Agreement.

Article 3 (new). Suppress "dans les limites" and all the following words to the end.

Article 13 (new). In the last paragraph but one, substitute for the words "au concessionnaire" "à l'administration."

In the last paragraph substitute "la municipalité" for "l'autorité tangéroise qualifiée à cet effet."

Article 28 (new). To be worded as follows: "La Convention générale de la Haye du 18 octobre, 1907, s'appliquera aux différends qui viendraient à s'élever entre la municipalité et les Puissances au sujet de l'interprétation et de l'application des dispositions de la présente convention."

The Draft of the Dahir.

Article 1 (new). Suppress "dans les limites" and the following words down to the end.

Article 7 (new). Suppress in the first paragraph "pour la défense de son territoire."

Article 10 (new). Reinsert between (*a*) and (*b*) "la monnaie."

Article 22 (new). Change "la chambre des appels civils du tribunal international" into "le tribunal international constitué en assemblée générale."

Article 37 (new). The same modification as in 22.

As regards the other modifications which the British and French Governments propose to introduce, I am induced by the assurance which your Excellency has so cordially given that the observations of His Catholic Majesty's Government will be weighed with the full attention which they deserve, to express the feeling of regret, to which I have before alluded, that it should have been considered necessary to alter so profoundly the results achieved with great labour by the Madrid Commission, composed of Messrs. Padilla, Dupeyrant, and White.

Under these changes the form of government will tend to drift further and further from the principles which induced Spain to admit the internationalisation of Tangier. I will not return to a discussion of the question whether, in accordance with the agreements of 1904, Tangier should fall entirely within the Spanish sphere of influence. I must only point out that while the Spanish Government abstained from stating the problem in those terms, they did so clearly in the belief that the internationalisation of Tangier would be a reality in which no one Power would predominate; that if any Power were in a position to claim such a position it would be Spain, since Tangier is situated in her zone and opposite her coasts, inhabited by a European population composed of Spaniards to the extent of 70 per cent., and lastly in view of the secret stipulation made between the Courts of Madrid and Fez at the time of the peace in 1860.

Neither the rights of the Sultan, nor those of the holders of loans which were the legacy of previous administrative organisations, nor the more general use of a language for the purposes of diplomatic relations, ought to lead indirectly to a position of such predominance. As regards the first they might easily be delegated entirely and permanently in the administration of the municipal zone; the second could have been adapted to the new circumstances, in the manner laid down in articles 12 and 18 of the Franco-Spanish convention; the third is balanced by the fact that another European language exists—namely, the Spanish—which is used by all social classes at Tangier, and used by them also in their intercourse with the natives.

It is well known what sacrifices were made, from this point of view, by the Spanish delegate on the Madrid Commission, in order to reach, together with his colleagues, a compromise which would admit of the immediate enforcement of a régime which had been under negotiation for two years. Now, however, the results attained six months ago are modified in such a manner as to demand of the Spanish Government further sacrifices still greater from their point of view.

If it were possible for the Sultan to exercise his rights in Tangier with complete independence, it would be possible to understand a desire that certain powers should be reserved for him. But it is just because such a course was impossible that the three Powers determined to find a solution in a system of internationalisation. According to

the changes which it is now proposed to introduce, the Sultan would have the following powers beyond those which were left to him by the Madrid Commission :—

The appointment of (article 19 (new) of the dahir) one councillor, which amounts to the permanent addition of one vote to the French group;

The appointment of the cadi through the agency of his Khalifa (article 17);

An influence, through the same channels in the appointment of the imam, and adules* and of the nadir himself, since the former are appointed by the cadi, a creature of the Khalifa, and the nadir is chosen by the Committee of Control among the adules (article 117 of the same).

The Spanish Government, which on the Madrid Commission compromised on other points in return for a renunciation on the part of the French delegate—a renunciation which was made—of the claim to appoint a councillor through the Khalifa of the Sultan, demands that the old article 16 may be maintained pure and simple in this respect. As regards the cadi, nadir, and other religious officials, article 113 (old) entrusted their appointment to the native electoral college, not only on account of the objections to leaving in the hand of the Sultan a power of this nature (which he has not retained in the Spanish zone, and which he could not exercise with independence in the municipal zone), but in deference to the desires of the Tangier notables who came from Madrid in order to represent the Moroccan inhabitants of the city. They believed their aspirations to be perfectly reconcilable with the religious law, and a subsequent examination into the matter made in view of article 113, already referred to, shows that they were so; but if it is desired to modify this clause so that the cadi and the nadir, although chosen by the native electoral body, should be chosen, as the new text states, from among candidates who have shown, by means of an examination, that they possess the necessary legal knowledge, there is no reason why this should not be agreed to, provided the composition of the tribunal be given now.

The Government of His Majesty is glad to see that, with regard to the respect due to the rights of third parties and previous judicial organisations, the idea is accepted of distributing the functions between the two engineers, Spanish and French, of the special "caisse" (*caja*), and does not doubt that this will be best done by arranging the distribution now between the Governments concerned rather than leaving it to a future consideration by the municipality, which would indefinitely defer the settlement of the point, and perhaps would not agree with the conditions which the Cabinet at Madrid thinks indispensable if it is to give its adhesion to the maintenance of the service of the special "caisse" at Tangier. The secondary rôle, not in proportion to the Spanish interests, to which the assistant Spanish engineer has been reduced during the six years he has been at his functions, and the other considerations which have been repeatedly set forth by the Government of His Catholic Majesty to those of His Britannic Majesty and the French Republic, will explain the interest they take in this point, which they consider as an essential part of the organisation on a par with the others which, being of the same character, are treated in the convention or dahir. The distribution which might be taken as a basis for discussion is as follows :—

Principal Engineer.—Port, urbanisation, lighting, tramways, surveillance of industrial enterprises.

Assistant Engineer.—Railway, mines, woods, surveillance of agricultural enterprises, water.

In the same class of question, with respect to the unrational inequalities produced by the maintenance of previous administrative entities or organisations, the reforms of London raise three important points :—

(*a.*) Article 91 (old) of the dahir organised the police in this manner: A military body, commanded by a Spanish official, with two tabors, one on horseback and one on foot, and whose officers were to be equally divided among actual tabors, Spanish and French. A civil body of native and European policemen, with a central French chief and chiefs, &c., of different nationalities. But now (new article 96) it is proposed that the two military tabors actually in office are to be provisionally maintained and the date of fusion into one body is to be determined by the municipal assembly, with the consent of the committee of control. Whence it results that for the present there will be no common command by a Spaniard, the French officers will be in greater numbers

* *Arabice* "adaul," literally "just men."

than the Spanish, since the extra-urban tabor has a larger force than the urban tabor, and the province of this latter will be, moreover, diminished by the body of civil police commanded by a Frenchman. If it be added to this that the chief of the central police department has to be French also (old article 21 of the proposed convention), it will be understood that this department falls entirely into the hands of the latter nationality. It will be said that such a state of things will only last as long as the municipal assembly does not decree a fusion of the two present tabors; but, apart from the fact that there is no advantage in the existence of the above situation, even for a time, it is easy to foresee and to understand the difficulties which the French group of councillors, assisted by those who vote with them for political and other reasons, will put in the way of the said fusion, perhaps preventing a majority from being formed in its favour.

(*b.*) The old article 105, now 110, speaks at present, and before did not speak, of the "rights acquired by the employés actually in service" being respected, and, apart from it not being evident on what these rights are based, the clause redounds chiefly to the advantage of one nationality.

(*c.*) The old article 15 of the proposed convention stated that France would renounce all claim of moneys from Tangier as the part of that city in the war indemnity during the application of the agreement. Spain was not asked for a similar renunciation, although the delegates knew perfectly her right to demand so much per cent. of the tax on income from mines. The reason for this is obvious: the revenues which serve as guarantees for the credit of the French State are sufficient, in the French zone, to assure payment; the mining tax in the Spanish zone is not in the same position. Moreover, when the Government of the Republic reserved to itself this mortgage on Tangier, Tangier was still, without any doubt, outside the French zone; while in 1910, when the Hispano-Moorish agreement was made, that town was still, in the opinion of the Madrid Cabinet, in the Spanish zone. At present, however, Spain is required by the new article 17 of the proposed convention to make this renunciation without the reason of this alteration being evident.

With regard to another point, the frequency of the use of the French language in diplomatic relations does not sufficiently justify the fact that by the new article 110 of the proposed dahir, although the examination for employés are to be held principally in French, the knowledge of Spanish shall not be also required, one among other inconveniences which would result from this would be that afterwards difficulties would be placed in the way of the use of Spanish as a current language in the municipal administration. For this reason, for the words "the knowledge of Arabic and Spanish may be demanded" should be substituted "the knowledge of Spanish should be equally demanded"; the non-mention of Arabic would naturally not prevent knowledge of it being demanded when convenient.

Apart from the considerations set forward above, and which doubtless will appear just to the Cabinets of London and Paris, since neither of the two can desire that the internationalisation of Tangier should fall short of the just representation of the interests of the Powers, there are questions in which the Government of His Majesty desires the following information or changes :—

Employés.—It does not admit the reason for abolishing the limit of 25 per cent. for the number of employés of the same nationality and the distribution of the three central departments between Spain, France, and England. It would like to know in detail the difficulties to which the Government of the French Republic refers in its note in order to properly appreciate the meaning of the new articles 22 and 23 of the proposed convention.

Customs Duties.—It would also desire information regarding the fixing of the sum of 100,000 duros gold as the undivided portion corresponding to the Spanish and French zones in the said duties (new article 18 of the convention). Of the two proposed formulas it accepts (save with regard to the figure) that based on the application of article 13, No. 2, of the Hispano-French convention, since its modification would probably provoke objections in the Spanish Cortes.

Administration of the Natives.—The public services of the Makhzen have only been extended to justice, to the levying of taxes, and to a very rudimentary measure of instruction. The first of these subjects has been excluded from the matters entrusted to the "personnel," which question is dealt with by articles 37 and 118 (new) of the draft dahir; the second can assuredly not continue to be exercised "in the traditional forms," nor can it, in many cases, be entrusted to natives; it is, moreover, evident that even the third subject will frequently demand the help of the "personnel" and of European

methods, and it is not easy to see of what the administration of the natives will consist, which the article in question wishes to entrust to Moorish employés named under certain conditions. It is to be feared that this clause will, in practice, give rise to divergent interpretation, and to more disadvantages than to advantages. It would, therefore, be preferable to suppress it, and to revert to the system specified in article 114 (old) of the dahir.

Freedom of Customs.—For the Sultan. (Article 4, new.) Should be extended to the Khalifa of the Spanish zone.

Form of the Elections.

Article 21 (new) of the dahir. The wording of article 18 (old) would offer greater guarantees for proportional representation of the sympathies of the various nationalities.

Principal or Chief Administrator.

Article 92 (new). The British and French Governments have endeavoured—I am pleased to acknowledge it—to enter into the ideas of the Government of His Catholic Majesty; but, even so, the power of the President may, in practice, become very great and dangerous for the effective internationalisation of the zone. The two limitations imposed on him—prohibition to intervene directly in the working of the services; lack of independent powers—do not possess the anticipated reality. The first paragraph should be changed from the words "les notifie" until the end of that paragraph into "aux chefs des départements ou des services autonomes et en assure l'exécution par ceux-ci sans y intervenir directement."

Civil Register.

Article 124 (new). A civil register, from the moment that questions of "état civil" are regulated by personal statute and by national jurisdiction, is not easily conceived. But if its establishment be persisted in the Spanish Government beg that it should be consigned in the dahir that entries can be made in any of the three official languages according to the wish of the person interested, and that the sentence relative to the celebration of marriages should be suppressed, as it does not appear to be indispensable, and owing to the difficulties which it would create in its relation to the law

In the hope that the Government which your Excellency so worthily represents will recognise the justice of the observations of that of His Majesty, I avail, &c.

MARQUIS DE LEMA.

[4400] No. 9.

Mr. White to Sir Edward Grey.—(*Received January* 31.)

(No. 14.)

Sir, *Tangier, January* 21, 1914.

I HAVE the honour to transmit herewith translation of two letters addressed to this and the other legations by representatives of the neighbouring tribes, complaining of the action of the Spanish authorities in arresting three of their brethren at Tangier. They point out that they have themselves respected the neutrality of Tangier and they request that the Spanish authorities should do likewise, hinting that otherwise untoward incidents may occur.

Some of my colleagues have spoken to me on the subject and have expressed regret at the action of the Spaniards, which may lead to trouble, but very naturally no one feels inclined to take the matter up and make representations to the Spanish Chargé d'Affaires.

M. de Valdrome informed me that he was much worried at the action of the Spaniards in the Tangier zone, as he feared it would give rise to disturbances. The tribesmen were irritated at the continued despatch of convoys to the Spanish troops from Tangier and there might be a serious attack at any time. The convoys were sent out under escort of a body of the Spanish urban police in disguise, and some pack animals were generally sent in advance to ascertain whether the coast was clear. Last week this advance body was captured and, had it not been for the arrival of the French police, there would have been trouble. The tribesmen have established another strong

camp near the border and now make raids into the Tangier district, carrying of cattle, &c.

M. de Valdrome informed me further that he had been in negotiations, through the French police, with the rebel camp for the release of two Spanish prisoners in their hands, one of them an officer, but that the Spanish Chargé d'Affaires had informed him that they would prefer his not intervening in the matter.

I took an opportunity of mentioning to M. López Roberts that I had received these two letters and asked him whether he could give me any information regarding the men who had been arrested, but he appeared to be unwilling to say much on the subject, and professed to know little about it, the men, he said, having been arrested by the civil police attached to the Spanish consulate. I, therefore, did not pursue the subject.

It appears to me that the action of the Spanish consul was unjustified, if, as would seem to be the case, Moorish subjects were arrested by the civil police of the Spanish consulate and imprisoned by order of the Spanish consul. Surely if there was any cause of complaint against these men, representations should have been made to the Moorish authorities, who could have arrested them and enquired into the charge.

The action of the Spanish authorities puts one in a difficult position, as, if continued, it may eventually give rise to serious trouble in this district, whilst, on the other hand, one is unwilling to make any representations to the Spaniards, as they are extremely sensitive on such matters, and one is confident that any representation that might be made would be completely disregarded unless couched in language one would not wish to employ.

I have, &c.

HERBERT E. WHITE.

Enclosure in No. 9.

Letters received by Mr. White from Tribes.

(1.)

Anjera, Akhmas, &c., to Mr. White.

(Translation.)

(After Compliments.)

YOU are not unaware of the situation of the collective body of the Jiblia tribes with respect to our enemy, Spain, who seeks to occupy our country and exercise authority over us and with whom we have been waging war since three years in defence of our lives and our rights, which is incumbent on us by our Shraa to the end of our lives, by the power of Allah, and there is no reproach on us or on them for killing or taking captives in our camps or in theirs; but we learn that the Spanish authorities in Tangier arrested one of our brethren, a Riffi, Wariaghli, at the beginning of this month, and took him a prisoner to Melilla, although he is not one of their subjects, nor in their employ, and notwithstanding that Tangier is international and is "aman" for all such as go there for trade. Now, because of this arrest at that place, which is described as "aman," some of the tribes who are warring with Spain are doubtful about frequenting Tangier; it is therefore necessary to write to your Excellency so that you may speak to the Spaniards about restoring our brother, the arrested Riffi, and stop them from arresting our brethren in the future in Tangier, for which we give you many thanks.

Peace, &c.

MOHAMED-BEN-HAMED-EL-KHARRAZ
AROOSI EKADI HASSANI.
MUSTAFA-EL-JEBARI HASSANI,
Chief of the Beni Ihamed.
EL FKIH JITAN,
Chief of the Akhamas.
TAJEDDIN-BEN-AJIBA,
Chief of the Anjera.

23 *Moharrem*, 1332 (*December* 24, 1913).

(2.)

Mujahedin to Mr. White.

(After Compliments.)

THE Spaniards have arrested two men of our tribe:

1. Woold Mohamed-et-Terghi-el-Haddad,
2. Mallem Mohamed Riffi,

in Tangier. They have committed no crime to deserve arresting. We had thought and still believe that Tangier is international and that there is no injustice in it.

We want you, on receipt of this, to let us know quickly whether he [?the Spaniard] has been placed in authority there. If he has not, then he must release these two prisoners in conformity with customs in vigour with all the Powers. We inform you of this so that there may not arise from the part of some of the foolish amongst us something regrettable and we find ourselves in trouble and discord on another side.

You know that he [?the Spaniard] has troops, soldiers, arms and cannon; let him expose himself to arrest elsewhere.

If he has been given authority, we will not market there, and there is no reason for us to go if it is in his hands.

[4403] No. 10.

Mr. White to Sir Edward Grey.—(Received January 31.)

(No. 17. Confidential.)

Sir, *Tangier, January 21, 1914.*

THE delay that is occurring in the conclusion of the negotiations for the internationalisation of Tangier is most unfortunate, as the French Legation is continually strengthening its position here, and it is not too much to say that the Government of this district is now entirely in its hands and that Tangier is, to all intents and purposes, an annex of the French Protectorate. The Moorish authorities in all departments cannot take a decision on the smallest matter without first referring to the French Legation and no secret is made of this fact.

Si M'hemmed Tazzi is much annoyed to find that the Basha and all other authorities ignore his authority and, instead of referring to him for instructions on any point, send to the French Legation. He is, however, powerless to resist, and has himself to take his orders from the same source, and has at his elbow an Algerian secretary, brother-in-law of Sid Guebbas, who left him there practically as an agent of the French Legation.

It is impossible to do anything in the matter, as one cannot well prevent the Moorish authorities referring privately to M. de Valdrôme or the French first dragoman before replying to any representation one may have had to make, and if the reference were made to Rabat, the effect would be the same; but nevertheless the position is very unsatisfactory and there is the danger that, even when the new régime comes into operation, the established precedent will be followed and Moorish officials who are dependent on the Sultan, *i.e.*, on the French, for their appointment, will continue to be under the control, open or secret, of the French Legation. One can quite understand Frenchmen saying, as they often do, that they do not want any "Statut de Tanger" and that the longer it is delayed the better, as the present régime is far more favourable to them.

It is true that some inconvenience is suffered by the French through our non-recognition of the protectorate, but that has been reduced to a minimum by our facilitating their work as much as possible and, in many matters, acting, except as to the form only, as though the protectorate had been recognised.

I have, &c.

HERBERT E. WHITE.

[4419] No. 11.

Sir A. Hardinge to Sir Edward Grey.—(Received January 31.)

(No. 16. Confidential.)

Sir, *Madrid, January 24, 1914.*

THE French Ambassador came to see me this morning and spoke of the Spanish reply respecting the Government of Tangier, a copy of which I had the honour to forward to you in my despatch No. 15 of yesterday's date.

M. Geoffray said that he had sent the Spanish note to Paris without comments or suggestions and had merely asked for instructions as to the reply which he should give to it. He did not conceal from me that his own position in regard to it was somewhat difficult, as he was known to be desirous on broad grounds of international policy to strengthen the friendly relations between France and Spain, and was therefore regarded as a "Spaniard," whose advice might be discounted, by the military and colonial elements in the French Government or rather in Morocco itself, which appeared to think more of French influence and interests in Africa than of the balance of power in Europe. He was of opinion that those elements had not shown much skill or wisdom in the manner in which they had dealt and were still dealing with Spanish interests in Tangier; and it was evident to me, though he naturally did not actually say so, that he hoped that your influence would be exerted in such a way as to promote some sort of settlement by compromise; and further that he regarded the points in dispute respecting such technical details as the mode of appointing Mussulman officials at Tangier, the Tabors and the official languages, as of somewhat secondary importance.

I said that it seemed to me that these differences ought all to be able to be settled by give and take. The Spanish demand for equality of influence with France, in regard for instance to such matters as language, was a fair one, and the difficulty about the mode of appointing the Mussulman ulema and nadirs was surely capable of adjustment. The Sultan for instance could, in return for his Khalifa's having a vote with the representatives of the other Powers, let the cadis and nadirs be elected; or, if the system of undiluted popular election was deemed inconsistent with Maleki jurisprudence, as to which the evidence was conflicting, the cadi elected by the Moslem voters could be recommended to the Sultan for actual appointment as a godly and learned man enjoying their confidence, and it could be arranged that His Shereefian Majesty should invariably be guided by this recommendation and should so to speak "institute" their candidate, who would thus formally be his nominee. The Tabors would probably form a greater difficulty, but even this matter could I thought be settled by rearrangement in such a way as to satisfy Spanish susceptibilities.

M. Geoffray was of the same opinion, and I think that he would personally be glad if His Majesty's Government could suggest to that of France a fresh exchange of views with the object of promoting an understanding on these questions, although he himself feels precluded for the reasons I have given above from making such a suggestion to his own Government with any hope of it being fraught with good results. He told me confidentially that General Liautey was coming here about the 20th February on his return from a visit to France, the King of Spain having expressed a desire to see him, and that he hoped that this interview would ease matters. He is evidently strongly impressed with the importance of avoiding a rupture, due to too unyielding a spirit at Paris, of the discussions between the French and Spanish Governments, and of not risking any loss of the friendship of this country, and the political and military advantages which might accrue from it to France for the sake of securing some petty advantage to the French interest in the municipal administration of Tangier.

I have, &c.

ARTHUR H. HARDINGE.

[3954] No. 12.

Sir Edward Grey to M. Cambon.

Your Excellency, *Foreign Office, January 31, 1914.*

I HAVE had under consideration the memorandum which you were good enough to communicate to me on the 19th instant respecting the proposed appointment of a technical commission to examine and report upon the plans for the construction of Tangier harbour.

The French Government are, no doubt, in agreement with His Majesty's Government in thinking that, if the proposed commission is to deal promptly and efficiently with the questions submitted to it, its numbers should be as restricted as possible. But His Majesty's Government apprehend that, if the Diplomatic Body at Tangier were to be asked to nominate the commission, not only the Netherlands, but also countries even less directly interested in the question may claim to appoint delegates, and it is difficult to see how such a request could be negatived. Moreover, the members of the Diplomatic Body whose delegates were excluded would probably be little inclined afterwards to accept the recommendations of the technical commission when submitted to them. These difficulties would be avoided if a general understanding as to the plans of the harbour works and the draft of a contract could be settled between the four Governments chiefly interested before the matter is referred to the Diplomatic Body at all.

His Majesty's Government remain of opinion that the mandate of the commission should be limited to deciding upon the plans for the harbour works and the form of the draft contract, and that the actual selection of the concessionnaires should, in accordance with the provisions of the Algeciras Act, be left to the Adjudications Commission. If the functions of the technical commission are thus limited, His Majesty's Government have no reason to anticipate that any objection would be raised to its members being appointed by the four Powers principally concerned, as was done in the similar case of the drafting of the mining regulations for Morocco.

As regards the presence of a Dutch representative on the commission, His Majesty's Government, while still thinking that this might be desirable for the reason explained in my note of the 5th January, do not wish to press this view if it is not shared by the French and German Governments. I should, however, point out that, from a memorandum communicated by the German Ambassador at this Court on the 20th December last, it had been understood that the German Government would raise no objection to the inclusion of a representative of the Netherlands.

I have, &c.
E. GREY.

[4694] No. 13.

Sir A. Hardinge to Sir Edward Grey.—(Received February 2.)

(No. 19. Confidential.)

Sir, *Madrid, January* 28, 1914.

THE Marquis de Lema spoke to me yesterday about the Spanish note respecting the Government of Tangier, which formed the subject of my despatches Nos. 15 and 16 of the 23rd and 24th instant.

I said I had forwarded it to you without comment, as I preferred to wait for any expressions of opinion which a discussion of it might elicit from himself and my French colleague (M. Geoffray, his Excellency remarked, had done the same), but I thought, as he had mentioned the matter to me, that his criticisms turned on points of detail rather than on vital differences of principle or policy. The extra vote which the French wished to give the Sultan's Khalifa, so as to increase the latter's prestige, did not seem to me to be very dangerous, for, assuming that the Russian representative, whose Government had no interest in Morocco, always voted on principle with the French, the Powers of the Triple Alliance and Spain, to say nothing of ourselves and the United States, and Governments like those of Belgium and the Netherlands, whose neutrality was apt to be of the most minute and scrupulous character, might be trusted to defend the international institutions of Tangier against any unfair French encroachments with all the force of their numerical superiority. On other points, such as the language question, the appointment of ulema, and so forth, the difficulties were surely surmountable. An agreement respecting tabors would perhaps be a little harder to attain, but I thought weight should in fairness be assigned to the French argument that, so long as hostilities continued in the Spanish zone between Moors and Spanish troops, the natives of the international zone might find some difficulty in distinguishing between Spanish officers commanding a Spanish and Spanish officers commanding an international force. These were, however, merely personal observations, and, imperfectly acquainted as I was with the whole subject, I felt some natural diffidence about discussing it in detail.

His Excellency said that if each point were taken separately the Spanish criticisms might seem to deal mainly with details of rather secondary importance, but that collectively the changes in the statute (as accepted by the three Governments), without the participation of Spain, amounted to a considerable attrition in practice of the guarantees which it provided against French predominance. The difficulty I had mentioned about the tabors, for instance, was a merely temporary one, and the concessions which France was constantly claiming in the name of the supposed dignity and sanctity of the Sultan ignored the fact that that potentate had been deprived by her of his old authority, and was in a totally different position from that occupied by his predecessor. The Spanish Government would be quite ready to approach the discussion of the proposals we had made in a conciliatory spirit, but it could not but regret that it should have been necessary to present them in this form, and that numerous changes, all in one direction, should have been introduced without previous consultation with Spain.

I should imagine that most of the points are capable of adjustment. The Spanish language must clearly be placed on an absolute equality with French, and, if the Khalifa retains his vote, some form can surely be devised under which the ulema appointed by the Sultan shall be persons recommended by or enjoying the confidence of the Mussulman population of Tangier. The Marquis de Lema said that Spain might claim a vote for the representation of the Spanish Khalifa, but I do not think this was meant seriously. The tabors will, no doubt, be the most serious difficulty. M. Geoffray, I think, considers it possible that a Spaniard might take the place, at least provisionally, of the Fronch control commissioner, but, whatever form this rearrangement takes, some concessions will, I imagine, have on this head to be made to the Spanish Government. I would also venture to suggest the possibility of withdrawing the requirement that Spain should renounce, following the example of France, any claim in respect of her war indemnity. This would be a very substantial concession, and can be practically justified by the consideration that Tangier is, except on the sea side, an enclave in the Spanish protectorate, and that the efficient administration of the latter is a matter of very immediate interest to its citizens, who may fairly be called on to contribute something (in the shape of a war indemnity) towards it.

On more general grounds it would surely be wise for the French to facilitate the task of Spain in Morocco. I suspect that there is a tendency in French colonial circles to look with some satisfaction on her failures, and to contemplate with equanimity the prospect of her having, under the pressure of financial as well as political difficulties due to the unpopularity of the war here, to withdraw her forces from Morocco. There can be no doubt of the unpopularity of the war, not only with the friends of Señor Maura and of the Republicans, but also among the supporters of the present Government. But the withdrawal of Spain and the cessation of European administration in a region in which Messrs. Mannesmann are so active and influential might conceivably reopen the Morocco question in a manner which would not be altogether satisfactory to the French, and I cannot but think, though I speak on a subject so new to me with natural hesitation, that their wisest policy would be to assist the Spaniards, of course indirectly and within reasonable limits, in effecting the pacification of the Spanish zone and to co-operate with them in an honest internationalisation of Tangier.

I have, &c.
A. H. HARDINGE.

[6103] No. 14.

Note communicated by French Embassy, February 9, 1914.

POUR la Commission chargée d'étudier le projet de concession du port de Tanger, le Ministère français des Affaires Étrangères propose la transaction suivante :

La Commission serait constituée d'office par les quatre Gouvernements français, britannique, allemand et espagnol, et elle siégerait à Paris ; elle examinerait le projet de la Société internationale pour le Développement de Tanger.

Ambassade de France, Londres,
le 9 *février*, 1914.

[6473] No. 15.

Mr. Norton to Sir E. Crowe.—(Received February 12.)

Argyll House, Chelsea, London,
February 12, 1914.

Dear Crowe,

WITH reference to our correspondence on the subject of the Tangier harbour, I write to inform you that La Société internationale pour le Développement de Tanger has been duly formed, with the proportions of capital agreed upon, and that the necessary "assemblées constitutives" have been held. The board is composed as follows:—

France—
M. André Lebon (président), M. G. de Caqueray, M. Alfred Massenet.
England—
R. D. Norton, Walter B. Harris.
Germany—
Dr. W. Lauter, M. Reuschausen.
Spain—
The Marquis de Villamejor, M. Portela, M. Eusebio Bertrand.
Morocco—
Abdesselan Ben Abdessadok.

There is a "comité de direction," composed of the following:—

MM. Lebon, de Caqueray, Massenet, Portala, Reuschausen, and Mr. R. D. Norton.

Yours very sincerely,
R. D. NORTON.

[7310] No. 16.

Mr. White to Sir Edward Grey.—(Received February 18.)

(No. 49.)

Sir,

Tangier, February 12, 1914.

WITH reference to your despatch No. 18 of the 6th instant, I have the honour to transmit herewith a memorandum containing my observations on the amendments which the Spanish Government desire to introduce into the draft convention and dahir for the establishment of the municipality of Tangier.

I have, &c.
HERBERT E. WHITE.

Enclosure in No. 16.

Observations on Reply of Spanish Government.

Draft Convention.

Article 3.—Any proposal tending to extend the independence of the municipality would, I take it, be welcomed by us; but as it has all through been the object of the French Government to limit as far as possible that independence, and more especially so in regard to diplomatic relations, it is not likely that they would consent to the suppression of these words.

Article 13.—If "à l'administrateur" were to be substituted for "au concessionnaire" it would be necessary to modify the words following, as there could be no disagreement between the two concessionnaires if one of them was not consulted. I think the port contractors should be consulted, and it would be prudent to require that the approbation of the municipality should be obtained. To secure this double object I would suggest that the most satisfactory wording would be to leave the paragraph as it stands, with the addition merely of the words "et à l'administration" after the words "de ce port."

The substitution of "la municipalité" for "l'autorité tangéroise qualifiée à cet effet" is perhaps advisable, as it would obviate possible future difficulties as to who was "the competent authority," for it might be claimed that the French chief engineer of public works was that authority, and therefore entitled to settle such questions independently of the wishes of the municipality.

Article 28.—I offer an opinion on this point with diffidence, but it appears to me that the existing text is preferable as being wider.

Draft Dahir.

Article 1.—See observations on article 3 of the convention.

Article 7.—I confess that the reason for the omission of the words "pour la défense de son territoire" is not clear to me.

Article 10.—To insert "la Monnaie" here as well as in the preceding article would be liable to create confusion. The French delegate at Madrid absolutely refused to admit that the municipality should have any voice whatever in the question of the coinage.

Articles 22 *and* 37.—This point does not appear to me to be of much importance. The object of the Spanish Government, of course, is to obtain a Court of Appeal with as large a proportion as possible of Spanish judges. The suggestion shows that they have not much confidence in the impartiality of the judges! If we shared their misgivings in that respect we should maintain the existing text providing for a Court of three judges with two assessors, which, after all, is the more suitable for questions of this nature; but, as stated above, I do not personally attach great importance to this point.

The Spanish Government have always clung to the concession obtained from M. Dupeyrat that the fourth Mussulman member of the Municipal Assembly should be elected, and not appointed by the Khalifa, and I anticipated their objection to this concession being withdrawn. The presence of a nominated Moorish member will undoubtedly increase the French strength in the Assembly, especially as it will enable them to appoint Ali Zaki, who will certainly be the leading spirit and probably president of the Assembly. Being a French nominee and not an elected member, he will be entirely in the hands of the French—as, indeed, he is at present.

There is much truth in the observations of the Marquis de Lema as to the strong position acquired by France through the Khalifa, his nominee in the municipal assembly, the kadi, nadir, adoul and imans. One sees the manner in which the French agency controls the smallest actions of all existing Moorish officials, and they will doubtless do all in their power to maintain that control, and it will be easy for them to do so in the case of officials who must look to them for their appointment to, and retention of, office. Even the "personnel marocain," selected by the municipality under article 3 may be expected to come under their influence in their desire to earn their goodwill with a view to obtaining office in the future. I fear the French Government are not at all likely to give up this advantage, but if the Spanish Government remain firm, it may be possible to suggest to the French Government whether they could not effect a compromise in this connection in order to bring these lengthy negotiations to a conclusion. Unfortunately the French Government must realise how strong their position here is at present and they may agree with what is openly said by some French residents here, that the longer the "statut" is delayed the better for them. Rather than arrive at a deadlock and prolong the present most unsatisfactory situation, I trust the Spanish Government may be induced to accept the draft in this respect as it stands.

Public Works.

In order to facilitate an agreement being arrived at I think we might leave the division of the work to the French and Spanish Governments. I should think it would be better to place the water under the principal engineer, as it will probably form part of the same concession as the lighting, tramways, and electrical power. Instead of attempting to make lists, which must of necessity be incomplete, of the works to be assigned to each engineer, it would be better to specify merely those to be assigned to the assistant engineer and to state that all other works will be under the principal engineer.

Police.

It is quite out of the question to give the command of the extra-urban police to Spain at present. It would almost certainly lead to trouble in this zone, for the Tangier

police would be used as auxiliaries to the troops in the Spanish zone, and the tribesmen could not be expected to distinguish between them. Article 96 seems to me to afford the best possible solution of the difficulty, and perhaps it might be made more acceptable if the French Government gave an assurance that their officials at Tangier would co-operate with us and the Spanish officials in bringing about the change as soon as the state of affairs in the Spanish zone renders it possible.

Employés.

Article 110 *of Dahir and Article* 22 *of Convention* —In the draft I had the honour to submit in my despatch No. 4 of the 7th ultimo, I suggested limiting the "droits acquis par les agents actuellement en fonctions" by the insertion of the words "en vertu de contrats déjà existants." This would, perhaps, render the clause less inacceptable to the Spanish Government. I ventured to put forward my suggestion for the modification of these articles, as I understood from M. Porché that the French Government themselves desired a return to the original arrangement regarding nationality and recruitment of employés. This was confirmed by an observation in a private letter I had received from M. Dupeyrat and by the intimation made to you by M. de Fleuriau, referred to in the penultimate paragraph of your despatch No. 210 of the 23rd December (58504). The Spanish Government "does not admit the reason for abolishing the limit of 25 per cent. for the number of employés of the same nationality." If we can induce the French Government to make a reduction in the 50 per cent., so as to meet the wishes of the Spanish Government, it would facilitate their acceptation, and I believe the other modifications as to the percentage applying to the services as a whole instead of to each service separately, and the selection of candidates by a "concours sur titres" instead of by a competitive examination, would be acceptable to both the French and Spanish Governments.

Spanish War Indemnity.

Article 17 *of the Convention.*—It is certainly more logical that Spain should waive her claims on Tangier for war indemnity, as France has done, but this is a point on which we might well yield to Spain, as, so far as is known, no mines exist in the Tangier zone.

Language.

This difficulty will be obviated, if the text proposed in my above-mentioned despatch is adopted.

Customs Duties.

Article 18 *of Convention.*—I venture to suggest that the Spanish Government be urged to accept the text in the right hand column instead of the other: as the French Government have waived their claim to the much larger amount due to them, surely the Cortes could not object to the Spanish Government waiving the comparatively small amount that would fall to their share.

The sum of 100,000 douros (gold) was a rough estimate in round numbers which the Madrid Commission adopted as the total amount of customs dues on goods landed at Tangier destined for the French and Spanish zones. It was quite impossible to make an exact estimate, but our calculation was based on enquiries made of the various merchants at Tangier as to the value of the goods they forwarded into the interior.

Administration of Natives.

I have little to add to what I have written in previous despatches on this subject. As therein explained my own idea was merely to have a Moorish official, elected by the people, who would serve as our intermediary between the foreign consulates and the natives, and would be over the headmen of the villages and have certain administrative functions. The French proposal went a good deal further than my suggestion and the present text may be interpreted as meaning that all existing posts held by Moors are to be maintained, which is undesirable. I should prefer to specify what posts are to be maintained.

Freedom of Customs.

The Spanish request is reasonable.

Elections.

Article 21.—I do not follow the Spanish argument. The new article appears to me to be an improvement on the old.

Chief Administrator.

Article 92.—I see no objection to accepting the suggested modification, though the existing text is perhaps better.

Civil Register.

Article 124.—The use of the three official languages could be provided for. It was considered necessary to provide for civil marriages to overcome difficulties which sometime arise where persons of different nationalities wish to contract marriage. It would be a pity to suppress this provision, but the Spanish objection might be met by inserting a sentence stipulating that no marriage should be solemnised which would be contrary to the law of the country of either of the parties.

HERBERT E. WHITE.

Tangier, February 12, 1914.

[7703] No. 17.

Sir Edward Grey to Mr. White.

(No. 5. Confidential.)
(Telegraphic.) *Foreign Office, February* 18, 1914.

FRENCH position at Tangier.

On receipt of your despatch No. 17 of 31st January representations were made unofficially to French Embassy here concerning growing tendency of French authorities in Morocco to use their influence over the Sultan for the purpose of promoting a permanent French ascendancy at Tangier. The embassy were reminded that we had, in deference to their wishes, agreed to a number of modifications in the proposed convention and decree, all tending to enhance the prestige of the Sultan and his khalifa at Tangier. This we had done on the understanding that the object aimed at was to maintain outwardly the authority of the Sultan as the supreme head of the Moorish State, but that there was no intention to use this nominal authority in the French interest.

The present attitude of the French officials at Tangier did not seem to harmonise with this view, and, if it were persisted in, serious difficulties would arise in finally settling the Tangier question.

The French Chargé d'Affaires called to-day to say that his Government were fully determined to abide loyally by their engagements to Great Britain; that, if the French Agency at Tangier had followed a course which appeared to conflict with those engagements, it was not with the approval of the French Government; and that strict instructions had now been sent to impress upon the French Agency that they must give full effect not merely to the letter but to the spirit of the understanding with this country respecting the genuine internationalisation of Tangier and the avoidance of any one-sided encroachments pending the establishment of the new Administration.

(Repeated to Paris, No. 65, and Madrid, No. 7.)

[7466] No. 18.

M. de Fleuriau to Sir E. Crowe.—(Received February 19.)

Ambassade de France, Londres,
le 18 *février*, 1914.

Cher Sir Eyre,

VOICI la note que je vous avais promise au sujet de Tanger; je l'ai rédigée après notre conversation d'avant-hier et j'espère qu'elle pourra nous servir dans nos futurs entretiens. Quand vous l'aurez lue, voudriez-vous me faire mander par téléphone afin que nous en causions?

Votre très sincèrement dévoué,

A. DE FLEURIAU.

Enclosure in No. 18.

Observations concernant la Note espagnole du 20 janvier, 1914 (Statut de Tanger).

AUX termes de cette note, le Gouvernement espagnol, se référant aux projets de convention et de dahir communiqués par les Ambassadeurs de France et d'Angleterre:

1. Accepte les articles 1er, 4, 5, 6, 26, 27, 30 (nouveaux) du projet de convention, et les articles 8, 14, 18, 31, 35, 38, 39, 64, 76, 85, 93, 102, 111, 120, 121, 122, 125 et 126 (nouveaux) du projet de dahir;

2. Demande certaines modifications aux articles 3, 13 et 28 du projet de convention et aux articles 1er, 7, 10, 22 et 37 du projet de dahir;

3. Repousse tout ou partie des articles 17 et 25 du projet de convention et des articles 17, 19, 96, 106, 110 et 117 du projet de dahir;

4. Et demande des éclaircissements au sujet des articles 18, 22 et 23 du projet de convention et 3, 4, 21, 92, 118 et 124 du projet de dahir.

En répondant au Gouvernement espagnol, on pourrait prendre acte de l'assentiment tacite qu'il a donné à toutes les stipulations non mentionnées dans sa note du 20 janvier. Il y aurait également lieu de rappeler au Ministre d'État qu'il avait promis aux Ambassadeurs de France et d'Angleterre de leur remettre une formule relative à la renonciation de l'Espagne au monopole religieux qui lui a été donné par l'Église catholique au Maroc. Cette formule n'est pas donnée dans la note du Marquis de Lema et cette omission devrait être réparée.

Voici les réponses que l'on pourrait faire aux divers points de la note espagnole du 20 janvier, 1914:

Modifications de Texte demandées par le Gouvernement espagnol.

Article 3 du Projet de Convention.—Suppression des derniers mots: "dans les limites de son autonomie telle qu'elle est définie par la présente convention et le projet de dahir y annexé."

Id. Article 1er du Projet de Dahir.—On pourrait faire remarquer que la future municipalité ne saurait traiter directement avec les agents des Puissances que dans les limites de l'autorité qui lui est conférée, et ces limites sont fixées précisément par les deux Actes mentionnés dans le projet franco-anglais d'article. Il ne s'agit donc que d'exprimer avec précision ce qui avait été sous-entendu dans le premier texte, et cela est utile afin d'éviter toute difficulté dans l'avenir avec les Puissances, qui n'auront pas négocié le statut de Tanger; cela est encore plus nécessaire à l'égard les États qui ne sont pas actuellement représentés à Tanger, mais qui pourraient s'y faire représenter ultérieurement. Il est probable que ces explications suffiront à faire accepter la rédaction franco-britannique par le Cabinet de Madrid.

Article 13 du Projet de Convention (Chemin de Fer).—Fin.—Remplacer les mots "concessionnaire" et "autorité tangéroise" par les mots "administration" et "municipalité."

On pourrait ici observer que l'amendement espagnol ne se comprend pas très bien:

Les communications prévues par l'avant-dernière phrase doivent être faites à la compagnie, autorité ou personne qui construit ou administre le port; c'est ce qu'indique le mot "concessionnaire," qui s'étend aussi bien à l' "administration" en cas de régie du port qu'à toute autre compagnie ou personne. Le mot "administration," au contraire, ne s'appliquerait qu'au seul cas du port en régie; son sens est donc trop restreint.

Quant au remplacement des mots "autorité tangéroise" qualifiée à cet effet par le mot "municipalité," il aurait pour effet de rendre la municipalité arbitre des conflits qui s'élèveraient entre le chemin de fer et le port. La municipalité serait donc juge et partie dans le cas de régie du port; elle prendrait les attributions réservées au tribunal; ce n'est certes pas ce que désire le Gouvernement espagnol.

Il serait, cependant, possible, puisque la concession du port de Tanger est à l'étude, et sera peut-être donnée avant l'installation de la municipalité tangéroise, de laisser à la Commission technique, qui va probablement être chargée d'examiner les projets du port, le soin de régler les questions auxquelles se réfère l'article 13. En pareil cas, l'article pourrait être supprimé.

Article 28 du Projet de Convention (Arbitrage).—Suppression de la mention des traités d'arbitrage en vigueur entre les Puissances signataires.

La Convention générale de La Haye se contente d'offrir une procédure d'arbitrage; les traités particuliers établissent entre leurs signataires l'obligation de recourir à l'arbitrage dans certaines conditions. Il faudrait donc demander à l'Espagne ce qu'elle vise par son amendement à l'article 28.

Article 7 du Projet de Dahir (Troupes de Police tangéroise nécessaires).—Suppression des mots "pour la défense de son territoire."

Il conviendrait ici encore de demander à l'Espagne ce que signifie cet amendement; si elle juge simplement que cette formule est inutile, on pourrait lui donner satisfaction.

Article 10 du Projet de Dahir.—L'adjonction du mot "monnaie" demandée par l'Espagne irait à l'encontre du dessein même de cette Puissance, et affaiblirait la portée des articles 7 de la convention et 9 du dahir.

Article 22 du Projet de Dahir.—Appel, en cas de démission imposée à un membre de l'Assemblée municipale; à porter devant le "Tribunal international constitué en Assemblée générale" au lieu de "la Chambre des Appels civils" prévue dans le texte franco-anglais.

Il paraît un peu excessif de convoquer tout le tribunal pour un appel de ce genre; mais, comme le cas se produira très rarement, on peut accepter la suggestion espagnole.

Article 37 du Projet de Dahir.—Appel des décisions de la Commission spéciale des listes électorales; à porter également devant le "Tribunal international constitué en Assemblée générale" au lieu de la "Chambre des Appels civils."

Il conviendrait ici d'attirer l'attention du Gouvernement espagnol sur le peu d'importance relative et le nombre de affaires concernant les listes électorales, et sur l'impossibilité de réunir fréquemment le tribunal tout entier. La Chambre des Appels civils offre toutes les garanties désirables.

Représentation du Khalifa dans l'Assemblée municipale (Article 19 du Projet de Dahir): Nomination du Cadi et du Nadir par le Khalifa (Article 117 idem).—Suppressions demandées par le Cabinet de Madrid.

Afin de répondre aux objections espagnoles, on pourrait faire observer que la thèse exposée dans la note du Marquis de Lema aboutirait, si elle était appliquée, à constituer une situation spéciale à Tanger au lieu de maintenir dans la région internationale le régime du protectorat institué et reconnu dans les zones française et espagnole. Le Sultan conserve, en droit, sur le Maroc tout entier, une autorité morale et religieuse qu'il est nécessaire de respecter et l'Espagne, comme la France, a le plus grand intérêt à maintenir toute l'apparence de cette autorité.

C'est cette préoccupation qui a inspiré le Gouvernement français lorsqu'il a demandé qu'une place d'honneur fût réservée au Khalifa dans le statut de Tanger; il tient à ce que ce représentant du Sultan dans l'ancienne capitale diplomatique du Maroc conserve des prérogatives dont l'abandon diminuerait l'autorité morale et religieuse du Sultan dans tout le Maroc; et l'expérience acquise par les officiers et fonctionnaires de la zone française démontrent qu'il est nécessaire d'insister pour le maintien des droits réservés par les articles 19 et 117 du projet de dahir.

Les indigènes marocains ne comprendraient pas qu'on refusât au Sultan d'être représenté dans l'Assemblée municipale alors que ce droit est accordé aux petits États. Quant à l'importance de cette disposition en ce qui concerne la composition de l'Assemblée municipale, elle est minime; en fait, elle est même moins grande que celle de la présence du Khalifa dans le Comité de Contrôle, puisque ce Comité se composera de douze personnes alors que l'Assemblée municipale se composera de trente-cinq membres. L'adjonction du représentant du Khalifa ne saurait donner la majorité à un parti français dans une assemblée où les groupements ne tarderont pas à se former sur d'autres bases que celle de la nationalité.

Les mêmes raisons obligent à insister sur le maintien de la nomination par le Khalifa du nadir et du cadi de la zone internationale; c'est reconnaître au Sultan le droit qui lui appartient dans l'ensemble du Maroc.

Le Gouvernement espagnol a l'ailleurs constaté qu'aux termes du nouvel article 117, le Comité de Contrôle doit agréer la nomination du cadi et du nadir dont il peut réclamer la révocation. Ce serait en somme le Comité de Contrôle, qui désignerait les cadis et nadirs, qui seraient investis par le Khalifa du Sultan. Si le Cabinet de Madrid le désire, on pourrait modifier la rédaction de l'article 117 de manière à faire apparaître plus clairement la coopération du Comité de Contrôle et du Khalifa; ce qui importe, c'est que, dans la forme, le droit de nommer ou plus exactement d'investir le cadi et le nadir soit réservé au représentant du Sultan.

Travaux publics.

Article 25 du Projet de Convention et Article 106 du Projet de Dahir.—Le Gouvernement espagnol propose une répartition des travaux publics tangérois entre l'ingénieur et le sous-ingénieur, qui est fort différente de ce qu'il avait demandé autrefois. Il n'est pas certain que l'un puisse accepter sa proposition au moins dans son entier. Mais c'est une question d'ordre technique à laquelle on ne pourrait répondre qu'après avoir reçu l'avis des ingénieurs. Pour le moment, on pourrait laisser entendre que sur ce point des concessions seraient possibles si le Cabinet de Madrid veut bien par ailleurs tenir compte des desiderata français.

Police.

Article 96 du Projet de Dahir.—Le Gouvernement espagnol demande la suppression des deux derniers paragraphes maintenant le *statu quo* jusqu'après la décision de l'Assemblée municipale agréée par la Comité de Contrôle.

Le maintien provisoire du *statu quo* a été demandé l'année dernière par les représentants étrangers à Tanger et notamment par le Ministre d'Espagne afin d'assurer la sécurité de la ville et de ses environs. Cette sécurité n'est pas encore parfaitement assurée et, tant qu'elle ne le sera pas, il serait dangereux de modifier le *statu quo.*

Il convient de remarquer que, quelle que soit l'habileté du futur commandant espagnol, la constitution d'une force nouvelle ne pourra se faire du jour au lendemain, qu'il faudra organiser la police militaire et lui donner consistance et discipline, et que, pendant cette période de transition, ce corps en formation ne serait pas en état de rendre les services exigés par la situation présente.

C'est cette période de transition qu'ont prévue les Gouvernements français et britannique en ajoutant à l'article 96 une disposition sanctionnant le maintien du *statu quo.* Le Gouvernement espagnol conviendra certainement qu'il est impossible d'agir autrement.

Le *statu quo*, c'est-à-dire l'existence des tabors actuels, doit prendre fin avec les circonstances qui obligent à son maintien ; et, de ces circonstances, qui peut être meilleur juge que les principaux intéressés, c'est-à-dire l'Assemblée municipale et le Comité de Contrôle ? Point de tout qu'ils conservent la force qui les protège tant qu'ils craindront pour leur sécurité, mais qu'ils veuillent aussitôt que possible remplacer les tabors français et espagnols par un corps uniquement tangérois relevant de la municipalité. Cette tendance naturelle à toute institution de vouloir être maîtresse chez elle doit rassurer le Cabinet de Madrid sur les dispositions de la municipalité. Cependant, si le Gouvernement espagnol insistait sur sa demande relative à l'article 96, on pourrait insérer une disposition déclarant que le *statu quo* ne sera pas maintenu du jour où l'Espagne occupera effectivement sa zone dans la région limitrophe de Tanger et y assurera l'ordre. Cette concession devrait donner toute satisfaction au Cabinet de Madrid.

Indemnité de Guerre espagnole.

Le Gouvernement espagnol refuserait d'abandonner à Tanger la part incombant à la zone internationale dans les redevances minières au titre de l'indemnité de guerre due à l'Espagne (article 17 du projet de convention).

La France ayant consenti à abandonner à la zone internationale le payement de la part qui lui incombe de son indemnité de guerre, on avait pensé que l'Espagne ne voudrait pas se montrer moins généreuse pour Tanger. Quel sera d'ailleurs le rendement pratique des redevances minières dans le petit territoire de la zone internationale ? La modicité du sacrifice à consentir et le parallèlisme à établir entre l'attitude des deux Puissances amèneront probablement le Cabinet de Madrid à modifier ses vues en ce qui concerne l'article 17 du projet de convention.

Question des Fonctionnaires municipaux.

Le Gouvernement espagnol, d'une part, refuse d'adhérer aux dispositions de l'article 110 du projet de dahir, réservant les droits acquis par les agents actuellement en fonctions et concernant la langue exigée pour les examens des candidats aux fonctions municipales, d'autre part demande pour quelles raisons les Gouvernements français et britannique ont remplacé par un nouveau système le procédé adopté à Madrid l'année dernière (articles 22 et 23 du projet de convention et article 110 du dahir)

Le respect des droits acquis par les employés actuellement en fonctions se recommande, non seulement de motifs d'équité à l'égard desdits fonctionnaires, mais surtout du point de vue de l'intérêt Tanger. Remplacer sur l'heure par des agents venus de tous les pays d'Europe les employés actuellement en fonctions serait faire œuvre de désorganisation et de désordre. La zone internationale aura besoin, à ses débuts surtout, du concours de toutes les bonnes volontés ; le Cabinet de Madrid voudra lui prêter son appui en permettant à Tanger d'utiliser les services des fonctionnaires, qui auront déjà l'expérience du pays et des affaires à traiter.

La question de la langue à exiger dans les examens a son importance pour l'internationalisation des services. On trouvera assez aisément des Espagnols ayant la connaissance du français et des Français sachant suffisamment l'espagnol pour subir les épreuves compliquées que suggère la Cabinet de Madrid. Mais il n'en serait pas de même des Anglais, des Allemands, des Hollandais, ... qui devraient posséder trois langues étrangères à la leur. Et il faut aussi rappeler que notre dessein commun est d'assurer à la zone internationale les services de fonctionnaires compétents et que la connaissance de plusieurs langues, si utile qu'elle puisse être, ne suffirait pas à fournir un bon recrutement.

On pourrait peut-être essayer de donner satisfaction au Cabinet de Madrid en adoptant pour la fin de l'article 110 une rédaction indiquant que " la connaissance de l'arabe et de l'espagnol sera exigée dans les services où l'emploi de ces langues sera nécessaire."

Quant au remplacement du système des anciens articles 110, 111, 112 et 113 (Madrid, juin 1913) par celui nouveau du concours pour le recrutement des emplois municipaux, il a été suggéré par des raisons d'ordre exclusivement pratique. On a pensé qu'il serait malaisé d'appliquer la formule de pourcentage intégral par nationalité de l'ancien article 22 de la convention à un corps administratif en voie de formation. On a pensé aussi qu'il était nécessaire à la marche régulière des affaires municipales de donner aux chefs des différents services une autorité plus directe sur le recrutement du personnel placé sous leurs ordres. Ces considérations dont le Cabinet de Madrid appréciera le bien-fondé, ont amené les Gouvernements français et britannique à la formule plus simple du concours par examen.

Dans le cas où le Cabinet de Madrid n'admettrait pas la valeur des arguments qui précèdent, on pourrait en revenir au système du pourcentage que l'Espagne avait autrefois sanctionné. On rétablirait alors les anciens articles 22 et 23 du projet de convention, 110, 111, 112 et 113 du projet de dahir (texte de juillet 1913). Il serait toutefois bien entendu qu'il ne sera pas tenu compte, pour le calcul du pourcentage, du personnel des travaux publics tel qu'il est actuellement organisé ; le service des travaux publics de la taxe spéciale est en effet commun à tout le Maroc et son activité s'exerce particulièrement dans la zone française. Cette disposition ne s'appliquerait pas à un service municipal des travaux publics dont la création est possible dans l'avenir.

Recettes des Douanes tangéroises.

Le Gouvernement espagnol préfère la formule A (gauche) de l'article 18 du projet de convention et demande sur quelles bases a été fixé le chiffre forfaitaire de 1,000,000 douros makzani pour la somme revenant annuellement aux zones française et espagnole. Cette somme a été fixé par une évaluation forfaitaire au moyen des données recueillies sur place ; on ne saurait en effet, dans l'état actuel des choses, préciser la valeur des marchandises importées par Tanger à destination des zones française et espagnole.

Il y aurait lieu de recommander à nouveau au Cabinet de Madrid l'adoption de la formule B, qui abandonne pour un temps à la zone internationale la totalité des recettes douanières de Tanger. On ne peut qu'invoquer l'intérêt de la zone internationale, dont il faut faciliter les débuts et le peu d'importance relative du sacrifice consenti par l'Espagne.

Administration des Indigènes.

Le Gouvernement espagnol préférerait le système de l'ancien article 120 du projet de dahir (texte de juillet) au système des nouveaux articles 3 et 118 (texte de novembre).

Il conviendrait de demander au Gouvernement espagnol pour quels motifs il préfère l'ancien système, qui établissait un bureau indigène dans chaque service municipal.

D'après le nouveau système, le Sultan délègue à la municipalité de Tanger, le soin de contrôler l'administration des indigènes dans la zone internationale (nouvel article 3).

La municipalité ne sera plus obligée, comme il était auparavant prévu, de créer des bureaux indigènes dans ces différents services. Elle sera seulement obligés de faire administrer les indigènes par un personnel indigène, ce qui est conforme aux principes du protectorat; elle sera libre de centraliser cette administration dans un seul bureau, et on a désiré lui laisser la faculté de procéder à des réformes avec les précautions indispensables en pareil cas; c'est pour marquer la nécessité de cette prudence que l'on a inséré la formule très souple "en respectant les formes traditionnelles."

Il est à espérer que ces explications calmeront les appréhensions du Cabinet de Madrid.

Franchise douanière.

Article 4 du Projet de Dahir.—Il n'y a pas d'inconvénient à accorder la franchise douanière au Khalifa de la zone espagnole.

Élections partielles.

Le Gouvernement espagnol préfère la rédaction de l'ancien article 18 du projet de dahir à celle du nouvel article 21. Il faudrait lui demander pour quelles raisons.

Administrateur en chef.

La rédaction proposée par le Cabinet de Madrid pour la fin du premier paragraphe de l'article 92 du projet de dahir est acceptable.

Registre de l'État civil.

Article 124 du Projet de Dahir.—Il convient de faire observer au Gouvernement espagnol qu'il est indispensable d'établir à Tanger un service d'état civil, où seront enregistrés les naissances et les décès, quand ce ne serait qu'en vue des statistiques et du service sanitaire. Des étrangers pourront évidemment s'adresser à leurs consulats; mais certains d'entre eux appartiendront à des États qui ne seront pas représentés à Tangier.

La tenue du registre d'état civil en trois langues serait très difficile dans la pratique; il faudrait laisser à la municipalité le soin de trancher cette question d'ordre intérieur, au mieux de l'intérêt général et du bien du service.

La question de la célébration des mariages est plus délicate. Certains cas de mariages mixtes de personnes de nationalités différentes ne peuvent être résolus par l'intervention des consulats, et c'est en vue de ces cas qu'il convient de donner à la municipalité de Tanger le droit de célébrer des mariages.

Mais il est exact, et le Cabinet de Madrid le fait justement remarquer, que la rédaction de l'article 124 prête à de justes critiques. Il conviendrait d'indiquer quels mariages l'autorité municipale est autorisée à célébrer et de lui enlever le droit de procéder au mariage des indigènes, qui seront réglés par la loi religieuse.

[7466] No. 19.

Sir Edward Grey to Sir A. Hardinge.

(No. 18. Confidential.)

Sir, *Foreign Office, February* 24, 1914.

YOUR Excellency's despatches Nos. 15, 16, and 19 of the 23rd, 24th, and 28th January respectively, in which you forward and discuss the Spanish reply to the Anglo-French proposals concerning the scheme for setting up an autonomous international municipality at Tangier, have received my careful consideration. I need not here recapitulate the circumstances which led to those proposals being presented to the Spanish Government jointly by England and France in the form of a revised version of the draft convention and decree which had originally been agreed to, *ad referendum*, by the delegates of the three Powers at Madrid. But I may say that, bearing those circumstances specially in mind, I have been more particularly anxious to give every possible weight to the arguments and contentions now put forward by the Marquis de Lema in favour of further modifications in the projected arrangements in a sense favourable to Spanish interests.

2. An opportunity has been taken to press upon the French Government, through

their embassy in London, the necessity of respecting Spanish susceptibilities as much as possible, and of meeting their wishes, both in substance and in form, wherever the interests of Great Britain and France permit. I am happy to be able to say that the French Government has responded to this appeal with the utmost readiness and goodwill, and I consequently feel confident that an arrangement satisfactory to all parties can be arrived at by frank discussion. In order to place such discussion on the proper footing, I suggested, and the French Government have agreed, that the necessary further negotiations should be carried on at Madrid, preferably in personal conference between the Minister of State, your Excellency, and the French Ambassador. I am most anxious to avoid even the semblance of the British and French Governments standing in this matter united and opposed to the Spanish Government. At the same time, it seemed to me essential to ensure that the desire to reconcile in every possible way the somewhat divergent views embodied respectively in the drafts presented on behalf of this country and of France and in the proposed Spanish modifications should not be impeded by a want of understanding between the British and French Governments. I therefore authorised a preliminary discussion of the Spanish counter-proposals with the French Embassy, with the satisfactory result that loyal co-operation of the French Government may be counted upon in carrying on the further conversations at Madrid on a basis likely to facilitate a settlement agreeable to the Spanish Government, who, on their part, I feel sure, remain animated by the same conciliatory spirit.

3. I desire your Excellency to take the earliest opportunity to explain this position to the Minister of State, and to inform his Excellency that you will shortly lay before him in detail the views of His Majesty's Government respecting the several points, partly of principle and partly of minor importance, which have been raised in his note of the 20th ultimo.

4. Before, however, making such detailed communication to the Marquis de Lema, your Excellency should discuss the whole matter fully with your French colleague, who will no doubt receive similar instructions. Whilst I consider it desirable, for the reason already explained, to avoid giving to the Spanish Government the impression that you and the French Ambassador are again making a joint communication to them, it can only conduce to the smooth conduct of the negotiation if care is taken that the views and arguments to be put forward on behalf of England and France in dealing with the Spanish proposals are on more or less parallel lines, and do not nullify or clash with each other.

5. I purposely refrain from sending your Excellency any document for textual communication to the Minister of State, but I enclose for your information and guidance a memorandum explaining the lines which your Excellency should follow generally in discussing, point by point, the views and wishes to which the Spanish Government has given expression. I leave it to your judgment to choose the method and form of communication most appropriate in your opinion for giving effect to the intentions of His Majesty's Government as above explained. Your Excellency will understand that this memorandum embodies the outline of the informal agreement reached in the preliminary discussions with the French Embassy here.

I am, &c.
E. GREY.

Enclosure in No. 19.

Memorandum respecting the Spanish Counter-Proposals and Suggestions put forward in the Marquis de Lema's Note of January 20, 1914.

THE Spanish note does not deal *seriatim* with all the articles of the draft convention and dahir. It specifically accepts articles 1, 4, 5, 6, 26, 27, and 30 of the convention, and articles 8, 14, 18, 31, 35, 38, 39, 64, 76, 85, 93, 102, 111, 120, 121, 122, 125, and 126 of the dahir. Certain modifications are proposed in articles 3, 13, and 28 of the convention, and in articles 1, 7, 10, 22, and 37 of the dahir. Explanations are asked for as regards articles 18, 22, and 23 of the convention, and articles 3 (not 37 as the note says—an obvious *lapsus calami*) 4, 21, 92, 118, and 124 of the dahir. Lastly, articles 17 and 25 of the convention and articles 17, 19, 96, 106, 110, and 117 of the dahir are rejected wholly or in part

2. In replying to the Spanish Government, it would be well to say that their tacit assent is assumed to all the provisions not specifically alluded to in their note.

3. It will now be convenient to go through the two draft documents article by article:—

(A.) Draft Convention.

4. *Article* 1.—Explicitly accepted by the Spanish Government.

5. *Article* 2.—Tacitly accepted.

6. *Article* 3.—The Spanish Government propose to omit the concluding phrase: "*dans les limites de son autonomie, telle qu'elle est définie par la présente convention et le projet de dahir y annexé.*" These words had been added for the sake of greater precision. It might be argued that they are superfluous, since it is clear that the municipality could not treat directly with the diplomatic or consular agents at Tangier except within the limits of the powers conferred upon it. In any case the words, defining more precisely what was already implied, could not be said to do harm. On the other hand, such greater explicitness would have the advantage of avoiding all possible misunderstanding in the case of the treaty Powers who will be asked to accede to the convention, and still more in the case of States who, although not at present represented at Tangier, might contemplate accrediting agents hereafter. It is for these reasons that His Majesty's Government agreed to the phrase being inserted.

7. *Articles* 4, 5, *and* 6.—Explicitly accepted.

8. *Article* 7.—Tacitly accepted.

9. *Article* 8.—It had been agreed at the original conferences at Madrid and San Sebastian that the Spanish Government would submit a draft clause under which they would renounce their claim to a religious monopoly in Morocco derived from Papal authority. Such clause was to have taken its place in the convention as article 8. As the Spanish counter-proposals do not refer to this subject, it will be necessary to recall attention to it.

10. *Articles* 9, 10, 11, *and* 12.—Tacitly accepted.

11. *Article* 13.—The modifications suggested in the concluding paragraph of this article would, if adopted, necessitate some further verbal changes, as there could not be any "disagreement" between the two concessionnaires if one of them was not consulted. Apart from this, they do not seem entirely to meet the situation, though some slight alteration might be desirable. Instead of substituting, as the Spanish Government propose, the "*administration*" for the "*concessionnaire*" of the port, it would be preferable to put in both: the port contractors ought clearly to be consulted, and it would be prudent to require that the approbation of the municipality should also be obtained. The double object would be attained by making the clause run: "*seront soumis pour observation et adhésion au concessionnaire de ce port et à l'administration.*"

12. As for the proposed substitution of the "municipality" for the "*autorité tangéroise qualifiée à cet effet,*" it may be admitted that the wording of the clause as it stands is somewhat vague, and would allow of an undesirable interpretation. Mr. White has pointed out that "the competent Tangier authority" might conceivably be construed to mean the head of the Public Works Department, which would obviously be open to objection. What the framers of the article had in mind was a reference to a *judicial* authority, and it might perhaps be well to say explicitly who that authority is to be—for instance, the International Tribunal. To allow the revisory power to be exercised by the municipality itself, as the Spanish Government proposes, would, however, lend itself to the criticism that the municipality would decide in its own cause, since it is directly interested in the port, but not in the railway.

13. A suggestion has been thrown out by the French Government to allow the points raised by Spain to be decided by the technical commission which, by agreement between France, Spain, England, and Germany, is to examine the proposed harbour concession. His Majesty's Government would have no objection to this, provided the commission restricted itself to the points here discussed. The French suggestion, however, went further. It contemplated dropping article 13 altogether, and leaving the commission to go over the whole ground of the relations between the railway and the municipality. This would not be desirable. His Majesty's Government attach the greatest importance, among other things, to the maintenance of the arrangement respecting the acquisition of sites and roads in Tangier by the railway authorities which are embodied in the fourth paragraph of article 13, and could not consent to this question being reopened and resettled in a sense less favourable to the municipality.

14. *Articles* 14, 15, *and* 16.—Tacitly accepted.

15. *Article* 17.—The refusal of the Spanish Government to waive their claim to the share of the war indemnity secured on the mining dues levied in the Tangier district rests on theoretical rather than practical considerations. For, so far as is known, there are no mines in the Tangier zone. In these circumstances, it seems a pity that the Spanish Government should make a point of maintaining an attitude which renders it more difficult for France to waive the French rights to the Tangier share of her war indemnity, since she is called upon to make actual surrender of an important sum and thus to grant a valuable concession. On the other hand, should France ultimately agree to accept the Spanish view, His Majesty's Government are quite ready to do the same.

16. *Article* 18.—His Majesty's Government would be seriously disappointed if Spain were to persist in opposing the arrangement embodied in the second alternative version (right-hand column) of article 18 respecting the allocation of the Tangier customs duties, of which the essence is that France and Spain waive their respective claims to a share in the Tangier customs receipts until the advent of the railway allows of a proper division on the basis of exact statistics. By far the larger share of this temporary sacrifice will be made by French Government, who have agreed to it. His Majesty's Government have difficulty in believing that in these circumstances the Cortes would object to the Spanish Government waiving the comparatively small amount that would fall to their share. France cannot be expected to maintain her valuable concession if Spain refuses to concede her much less important contribution. From the point of view of the financial stability of the new municipality at the moment of its birth, the remission of the sum involved is a material consideration, and as it is to the interest of Spain quite as much as of England and France to give a good start to the young administration, it is to be hoped that the Spanish Government will, on reconsideration, meet the views of the two other Powers on this point.

17. As regards the sum of 100,000 douros gold respecting which the Spanish Government ask for an explanation, the figure represents a rough estimate in round numbers which the Madrid Commission adopted as the total amount of customs dues on goods landed at Tangier but destined for the French and Spanish zones. It was impossible to frame an exact estimate, but the calculation was based on enquiries made of the various merchants at Tangier as to the value of the goods they forwarded into the interior.

18. *Articles* 19, 20, *and* 21.—Tacitly accepted.

19. *Article* 22.—The Spanish Government ask for more detailed explanations as to the grounds for modifying in certain essential particulars the arrangements originally agreed upon by the Madrid Commission concerning the nationality of the different classes of municipal employés. The reasons were fully stated at the time in the instructions to your Excellency and to your Excellency's predecessor. They were derived from practical rather than from strictly logical considerations. The difficulties which had been raised by the French Government, and which His Majesty's Government was desirous to meet as far as possible, were mainly that the obligatory mixture of nationalities in each administrative department would be prejudicial to smooth working, and that the nationality rule on a narrow proportional basis would interfere with a regular flow of promotions. His Majesty's Government were disposed to attach less weight to these considerations than the French Government, but thought that the modification of the original scheme eventually recommended to the Spanish Government, whilst disposing of the particular difficulties to which France attributed so much importance, might be made to work satisfactorily in practice. If, however, the Spanish Government were to remain opposed to the new scheme and still to adhere to the text of the original article as provisionally settled at Madrid (article 20 of the Madrid draft), His Majesty's Government on their part would be ready to revert to it. Indeed, as they had only with considerable reluctance agreed with the French Government upon a departure from the original scheme, they would welcome its revival. They understand that the French Government are also prepared, for the sake of harmony, to fall back upon the former plan, which represented at the time a common agreement.

20. *Article* 23.—This article stands in the place of article 21 of the first Madrid draft, to which His Majesty's Government raised the objection that it was undesirable to state explicitly in the convention the fact—which implicitly followed from the formula set up in the preceding article—that France, Spain, and England would divide between them the three principal municipal services. To this objection His Majesty's Government adhere, and they cannot therefore agree to revert to the old article 21. In order to bring the present article 23 into harmony with the system of the Madrid draft, as embodied in the (old) article 20, should it be decided to fall back upon it, it should read as follows:—

"*La formule établie comme il vient d'être dit, déterminera, pour la première répartition de postes, l'ordre dans lequel les Puissances signataires de la présente*

convention, ou y ayant adhéré, choisiront, dans chacune des catégories définies à l'article précédent, les emplois à réserver à leurs ressortissants respectifs.

" Lorsqu'il y aura lieu, par la suite, de combler des vacances dans les 2e, 3e, 4e et 5e catégories, l'ordre déterminé pourra ne pas être suivi, si l'intérêt du service le conseille. En ce cas, la proportion conventionnelle sera rétablie par équivalence."

21. *Article* 24.—Tacitly accepted.

22. *Article* 25.—The French Government offer a determined resistance to the application of the nationality rule to appointment in the Public Works Department, so long as that department is maintained on the present basis of a service common to the whole of Morocco, and paid for out of the yield of the special customs surtax. When His Majesty's Government agreed, at the instance of the French Government, to a modification of the nationality rule in a sense favourable in practice to French interests, they made it a condition that the rule so modified should also be applied to the Public Works Department. To this view His Majesty's Government adhere. If, however, it be now agreed to revert to the provisions of the Madrid draft as regards the nationality of employés, they will be prepared to assent to the exclusion of the Public Works Department from the operation of the rule, provided it be understood that this exemption will cease if and when a strictly municipal Public Works Department is organised to replace the existing arrangement so far as the district of Tangier is concerned.

23. As regards the allocation of duties and functions to the French and Spanish engineers respectively, the question is one which His Majesty's Government would gladly see settled between the French and Spanish Governments in whatever manner appears acceptable to both. They understand that the French Government is quite ready to meet the Spanish views on this point in a spirit of conciliation, if in the general settlement the Spanish Government on their part will take into account the French desiderata.

24. *Articles* 26 *and* 27.—Explicitly accepted.

25. *Article* 28.—It is not understood why the Spanish Government desire to exclude the application of existing arbitration treaties between the Powers to disputes concerning the proper interpretation of the new convention. To His Majesty's Government it appears in every way desirable to bring those treaties into operation for this purpose. The Hague Convention of 1907 would only regulate the conditions of an arbitration if agreed upon by the parties; it does not stipulate that arbitration must take place.

26. *Article* 29.—Tacitly accepted.

27. *Article* 30.—Explicitly accepted.

(B.) Draft Dahir.

28. *Article* 1.—The point raised in regard to this article by the Spanish Government has already been dealt with under the head of article 3 of the draft convention. (See above, paragraph 6.)

29. *Article* 2.—Tacitly accepted.

30. *Article* 3.—This article is closely connected with article 118, and the two must be considered together. In the original Madrid draft, the machinery for the control of native affairs was created and regulated by article 114, which provided for the establishment in each department, if necessary, of a separate native division, presided over by a native official to be chosen by the native electors, subject to the approval of the Committee of Control. This machinery appeared to the British and French Governments, on consideration, to be needlessly and embarrassingly rigid. Accordingly the revised draft dahir lays down, in article 3, that the control of native affairs is definitely delegated by the Sultan to the municipality. The desire was to give the municipality a free hand in organising the native administration. Accordingly, article 118 of the new version merely provides that native affairs shall be dealt with by the respective competent departments. It was not intended to exclude, by this provision, the formation of one centralised native department under a specially appointed native official, should the municipality consider such an arrangement desirable. If the present wording of article 118 is thought not to admit of this interpretation, His Majesty's Government are ready to consider an alternative wording to make the intention quite clear. On the other hand, all that the new article 3 prescribes is that native officials shall be employed in the service of the native

administration, which is in harmony with the general principles of a protectorate. The words "*en respectant les formes traditionnelles*" were specially chosen in order to leave every possible latitude to the municipality to proceed to any reforms in such way and at such time as might be found desirable.

31. It has been urged, notably by Mr. White, that the clause as it stands might conceivably be construed to imply the maintenance of all existing posts held at present by Moors. This was certainly not intended, and would be obviously undesirable. It might perhaps be judicious to specify what particular Moorish posts are to be maintained. But it should be remembered that there is an advantage in not fettering the discretion of the future municipal government too narrowly. It may well be, for instance, that the centralisation of native affairs, if eventually decided upon, would make it unnecessary to have more than one high Moorish official.

32. As regards the method of appointing the native officials, it has previously been explained why the French Government attach great importance to maintaining, at least in outward appearances, the supreme position of the Sultan as the religious head of the Moorish Mussulman population. His Majesty's Government have been willing to respect that position, as far as this is compatible with the exercise of real control by the municipality. It was for this reason that nomination by the Khalifa was substituted for election by the native voters in the making of native appointments, on the express condition, embodied in article 3, that the Khalifa's intervention was to be purely nominal, the selection of each candidate being left definitely in the hands of the Committee of Control. It was assumed that the Committee, in making their choice, would be more or less guided by representative opinion among the best native elements. His Majesty's Government would see no objection to some words being added to clause 3 providing that such consultation of native opinion shall be incumbent on the Committee of Control.

33. It results from the foregoing observation that His Majesty's Government would prefer not to return to the somewhat inelastic provisions of article 114 of the Madrid draft, which seems the course at present favoured by Spain, but that they will sympathetically consider any improvement that may be suggested in the wording of the present articles 3 and 118 that would make their intentions more clear and at the same time less objectionable in the eyes of the Spanish Government.

34. *Article* 4.—His Majesty's Government have no objection whatever to extending to the Khalifa in the Spanish zone the immunity from customs dues which is to be conferred on the Khalifa at Tangier.

35. *Articles* 5 *and* 6.—Tacitly accepted.

36. *Article* 7.—The Spanish objection to the words "*pour la défense de son territoire*" is not understood. Is it contended that the words are superfluous, as adding nothing material to the sense of the article? If this view were, on consideration, to prevail, His Majesty's Government would not object to the words being suppressed. If, on the other hand, the Spanish Government were to hold that the Tangier municipal police should not be employed for the purpose of defending the municipal districts in the case of raids or other disturbances, this is not a view which His Majesty's Government could accept.

37. *Article* 8.—Explicitly accepted.

38. *Article* 9.—Tacitly accepted.

39. *Article* 10.—The question of the currency is fully covered by article 9 of the draft dahir and article 7 of the draft convention, in the sense that a Shereefian decree on that subject, if applicable to both the French and Spanish zones, shall automatically also apply to Tangier. To include currency in article 10 among the matters which the municipality shall not have power to regulate, except after coming to an understanding with the authorities of the French and Spanish zones, seems at best superfluous, and might easily create confusion and misunderstanding, since it could be interpreted as conferring upon the municipality the very right to be consulted in matters of coinage, which is explicitly denied to it under article 9.

40. *Articles* 11, 12, and 13.—Tacitly accepted.

41. *Article* 14.—Explicitly accepted.

42. *Articles* 15, 16, and 17.—Tacitly accepted.

43. *Article* 18.—Explicitly accepted.

44. *Article* 19.—The objection entertained by the Spanish Government to the right of the Khalifa at Tangier to nominate a member of the Municipal Assembly is one with which His Majesty's Government in general sympathise. And yet they have been unable to resist the logic of the French contention that the Sultan should not be made to appear as holding a position inferior to that of the treaty Powers in the

Assembly, when it has been conceded that he should be on an equal footing with them in the Committee of Control. The French delegate at Madrid originally gave way on this point in the face of the strong Spanish and British objections, and agreed to all the four Moorish members being elected. But this concession has been disavowed by the French Government, who have in all their discussions with His Majesty's Government firmly maintained that they cannot allow the diminution of the Sultan's prestige involved in his being deprived of the right to nominate a member, like the other Powers. If it were possible to induce the French Government to come to a compromise on this question, His Majesty's Government would welcome it, but they must ask the Spanish Government to consider whether a failure of the negotiation on this point, and a consequent indefinite prolongation of the existing situation at Tangier, would not be a worse evil than the acceptance of the French demand.

45. *Article* 20.—Tacitly accepted.

46. *Article* 21.—The grounds on which the Spanish Government rest their preference for the system of filling electoral vacancies which was embodied in the Madrid draft (old article 18) are not fully understood. His Majesty's Government considered at the time that there were strong objections to leaving vacancies unfilled unless and until they numbered three. Such an arrangement might at a critical moment leave disproportionate and undesirable power in the hands of a party or group not really possessing a majority in the Assembly. His Majesty's Government are therefore of opinion that the new version (present article 21) should be retained.

47. *Article* 22.—It seems a needlessly cumbrous arrangement that, in cases where a member of the Assembly is declared to have forfeited his seat, an appeal from such decision should lie to the full International Tribunal instead of to the Court of Civil Appeals. The latter appears to His Majesty's Governnment by far the more appropriate arrangement. Cases of this kind will, however, always be rare, and if the Spanish Government insists, the point can be conceded.

48. *Articles* 23 *to* 30.—Tacitly accepted.

49. *Article* 31.—Explicitly accepted.

50. *Articles* 32, 33, *and* 34.—Tacitly accepted.

51. *Article* 35.—Explicitly accepted.

52. *Article* 36.—Tacitly accepted.

53. *Article* 37.—Following the course advocated in respect of the cases falling under article 22, the Spanish Government wish to substitute the full International Tribunal for the Court of Civil Appeals in providing for appeals from the decision of the Special Commission which draws up and revises the electoral lists. Even more than in the cases under article 22, such an arrangement would prove in practice highly inconvenient. The number of questions regarding the electoral lists are almost certain to be as large as they are likely to be in themselves unimportant, and it would present real difficulty, as well as be objectionable, to call the full International Tribunal together frequently for the decision of points of small intrinsic importance. His Majesty's Government would, therefore, deprecate the adoption of the Spanish amendment.

54. *Articles* 38 *and* 39.—Explicitly accepted.

55. *Articles* 40 *to* 63.—Tacitly accepted.

56. *Article* 64.—Explicitly accepted.

57. *Articles* 65 *to* 75.—Tacitly accepted.

58. *Article* 76.—Explicitly accepted.

59. *Articles* 77 *to* 84.—Tacitly accepted.

60. *Article* 85.—Explicitly accepted.

61. *Articles* 86 *to* 91.—Tacitly accepted.

62. *Article* 92.—The amended wording proposed by the Spanish Government does not appear to introduce any modification of substance. It is not understood why it is preferred. In the opinion of His Majesty's Government the wording which they had submitted is more precise and perspicuous. If, however, the Spanish Government attach importance to the change suggested, it may be accepted.

63. *Article* 93.—Explicitly accepted.

64. *Article* 95.—Tacitly accepted.

65. *Article* 96.—His Majesty's Government much regret that the Spanish Government raise serious objections to the two concluding paragraphs of this article, which allows of the retention of the existing police organisation at Tangier on a strictly provisional basis. The Spanish Government are no doubt aware with how much insistence the French Government for some time urged the entire abandonment of the scheme of organisation described under the numbers (1) and (2) of the present article 96.

It was only with great difficulty that His Majesty's Government succeeded in obtaining the French final acceptance of that scheme, in return for the arrangement which amounts to no more than the temporary prolongation of the existing *status quo*, since an end can be put to the provisional régime at any time by the municipality acting freely on its own judgment.

66. It has been generally admitted by most of the foreign representatives at Tangier that at this moment, when the native inhabitants settled on the borders of the Tangier district are in armed opposition to the Royal troops operating in the Spanish zone, it would be practically impossible, without risking the outbreak of serious disorders within the Tangier district itself, to place the extra-urban police under Spanish command. For the Tangier police would in practice become the auxiliaries to the troops in the Spanish zone, and the tribesmen could not be expected to distinguish between them. Moreover, the new force, which is eventually to replace the existing tabors, must take some time to organise, and during the inevitable period of transition the young establishment would hardly be in a position to deal effectively with so grave a situation as that at present existing. It is for this reason that the article, as it stands, expressly provides for a gradual transition from the actual to the future conditions.

67. It may be taken for certain that the municipal authorities, in the natural desire to be masters in their own house, will take the earliest opportunity to terminate the provisional arrangement. The Spanish Government may, however, wish for some more definite guarantee than is offered by the unfettered discretion of the municipal authorities, that so soon as the present abnormal conditions in the border districts shall have disappeared, no obstacles will be placed in the way of the definite adoption of the permanent arrangement provided for in article 96. If so, a stipulation could perhaps be added to the effect that the existing organisation, provisionally maintained, will in any case be ended as soon as Spain is in effective occupation of that part of her zone bordering upon the Tangier district, and in a position to ensure order and tranquillity in that region.

68. *Articles* 97 *to* 101.—Tacitly accepted.

69. *Article* 102.—Explicitly accepted.

70. *Articles* 103 *to* 109.—Tacitly accepted.

71. *Article* 110.—The Spanish Government take objection to two points: (*a*) the reservation of "*droits acquis par les agents actuellement en fonction.*" Their misgivings on this point are to some extent shared by His Majesty's Government. It is, of course, only equitable that officials of good character who have rendered valuable services under the existing régime should not be exposed to sudden dismissal if they have a claim to more permanent employment. Moreover, their simultaneous replacement by new candidates would almost certainly throw the administrative machinery into a state of disorder. It is, however, only due to the municipality that their hands should not be unnecessarily tied as regards the proper staffing of their Government departments by an unreasonable straining of the claims of vested rights. A fair compromise would be to replace the words "*par les agents actuellement en fonction*" by "*en vertu de contrats déjà existants,*" which would limit the reservation to cases where definite legal rights require to be respected.

72. The second Spanish objection to article 110 has reference to (*b*) the failure to make a knowledge of Spanish a necessary qualification for all the municipal employés. His Majesty's Government fully recognise the force of the Spanish contention that, in a place where Spanish is widely spoken by a large proportion of the population, the Spanish language should be placed at least on an equal footing with French. There are, however, other considerations, of practical import, which must be taken into account. It will probably be comparatively easy to find suitable Spanish candidates for posts under the Tangier municipality who know French, and French candidates who know Spanish. But a serious difficulty might arise as regards candidates of British, German, Dutch, or other nationality, if they were required in all cases to be proficient in both Spanish and French. Such a requirement might well have the effect of barring the choice of the best, if not the only competent, candidates; whereas any candidate of the right stamp, once appointed, could be relied upon with confidence to acquire before long such knowledge of Spanish as will be found necessary for the proper discharge of his duties. For these reasons His Majesty's Government would strongly urge that previous knowledge of Spanish should not be insisted upon as a necessary qualification, although they would see no objection to an arrangement whereby the holders of certain posts should be required to make themselves familiar with Spanish subsequently to their appointment in cases where a knowledge of that language is necessary for the proper performance of the duties attaching to the post.

73. It is, however, to be observed that the question of the language qualification has only arisen owing to the proposed introduction of a system of competitive examination. His Majesty's Government are not advocating that system as specially suitable to the conditions of Tangier. It formed a corollary to the plan of allowing 50 per cent. of all the employés in each Government department to be chosen from the same nationality as that of the head of such department, and it was designed to obviate the risk of a too partial allocation of posts to a large number of candidates of the same nationality, of whom, for the reason of their number being so large, some might obtain appointments from which a competitive test would have shown them not to be specially fitted. The suggestion has been made in connection with article 22 of the draft convention (see above, paragraph 19) that, in order to meet the Spanish objection to the adoption of the 50 per cent. rule of nationality, it might be best to revert to the arrangement originally agreed upon at Madrid. This would involve the disappearance of article 118 of the present draft dahir, and the going back to articles 104–107 of the Madrid draft. This solution would also entail, among other things, the return to the system of "*concours sur titres*" and the abandonment of the competitive test, and would consequently make it unnecessary to go into the question of languages at all.

74. *Article* 111.—Has been explicitly accepted by the Spanish Government. Should it however be decided to revert, as suggested above, to the corresponding provisions of the Madrid draft, the present article 111 would presumably be replaced by the old article 106.

75. *Articles* 112 *to* 116.—Tacitly accepted.

76. *Article* 117.—The Spanish Government are aware of the considerations which weighed with His Majesty's Government when they assented to the nomination of the cadi and the nadir being made by the Khalifa at Tangier. Such assent was conditional on the Spanish Government's also agreeing. In view of the latter's continued opposition, and of the persistence of the French Government in urging their particular solution of the difficulty, it seems imperative that all parties should make a serious endeavour to reach a working compromise. As already explained in another connection (see above, paragraph 32), the main object of the French Government is to uphold the religious prestige of the Sultan by leaving in the hands of his Khalifa, at least nominally, the appointment of the Mussulman religious officers His Majesty's Government would have preferred a system of simple election by the native voters. The principal objection to the procedure favoured by France is that it makes those Moorish religious officials practically dependent on French goodwill, and leaves them exposed to French pressure, exercised in virtue of the French control over the Sultan and over his nominee the Khalifa. It should be possible to avoid that danger and yet to satisfy the French view. To this end it would be necessary to arrange that the Khalifa, whilst retaining the power to appoint the cadi and nadir, should—on the analogy of a constitutional sovereign—be bound to act in each case in strict accordance with the advice tendered to him authoritatively by those in whom it is desired to vest the real responsibility for the proper selection of the candidate. The French Government seem to have insuperable objections to any system of free native election, on the grounds that they have refused to introduce such a system in their own zone, and that its adoption at Tangier would be calculated to stir up discontent and agitation in the French protectorate. It could, however, probably be arranged that the candidate to be appointed should be *presented* to the Khalifa *nominatim* by the Committee of Control, who would be expected, in making their choice, to have due regard to the best elements among the Moorish electorate, and that the Khalifa would then be bound to appoint the particular candidate so presented. There is reason to believe that the French Government would give proof of their conciliatory disposition by accepting such a solution, and it is earnestly hoped that, in that case, it will also recommend itself to the Spanish Government.

77. *Article* 118 has already been fully discussed in connection with article 3 of the draft dahir. (See above, paragraphs 30–33.)

78. *Article* 119.—Tacitly accepted.

79. *Articles* 120, 121, *and* 122.—Explicitly accepted.

80. *Article* 123.—Tacitly accepted.

81. *Article* 124.—The Spanish Government question the necessity of a civil register to be kept by the municipal authorities. Such a register appears, however, a necessary institution, if only having regard to the requirement of the statistical and sanitary services on the one hand, and to the difficulty which might easily arise in the case of foreigners whose State is not represented at Tangier.

82. It is gathered from the Spanish note that the objections to the establishment

of a civil register in principle will not be pressed. It is, however, urged that entries in any municipal register should be made in either the French, the Spanish, or the Arabic language. It is possible that a register kept in three languages might give rise to practical difficulties, although the principle could not be objected to. It would, perhaps, be best to leave this point to be decided by the municipality itself, in accordance with what is found to be feasible, and to the best interest of their public services.

83. A more delicate question is that of the celebration of marriages. There are certain cases of mixed marriages, between persons of different nationalities, which could not be disposed of by the consular authorities, and for this and other reasons it seems advisable to make some provision for the solemnisation of marriages under municipal regulations. The objection raised by the Spanish Government under this head might be met by stipulating that no marriage should be so solemnised which would be contrary to the law of the country of either of the parties. It would also be desirable to make it clear that no interference is contemplated with the marriages of natives, which should preferably remain regulated by their religious laws.

84. *Articles* 125 *and* 126.—Explicitly accepted.

85. *Articles* 127 *to* 130.—Tacitly accepted.

(C.) Provisional "Règlement intérieur."

86. *Articles* 1 *to* 20.—Tacitly accepted.

February 22, 1914.

[8623] No. 20.

Memorandum communicated by the Netherlands Minister, February 26, 1914.

WITHIN a short time a concession will have to be granted for the construction of a harbour at Tangier. From information received from the Netherlands diplomatic agent at Tangier, and also from interested parties in the Netherlands, it appears that the French Government have proposed to the Governments in London, Berlin, and Madrid to appoint a committee of experts, nominated by the said Governments, with the object of having the concessions examined and of laying propositions before the Corps diplomatique at Tangier.

There is great interest felt in the Netherlands for the above concession, and there are Dutch corporations which have joined the Société pour le Développement de Tanger and the Société internationale d'Études et de Travaux au Maroc, the object of both of which is to obtain the concessions.

However, the Netherlands Government are of opinion that there is occasion to also appoint a Dutch expert for the above committee. The Netherlands shipping interests in the harbour of Tangier take a prominent place, and can therefore be considered equally interested in the manner in which the concession is to be granted as the four other Powers which, principally for political reasons, are interested for the largest amounts in the share-capital of the above-mentioned societies. Besides, it seems that the great reputation which the Netherlands civil engineers enjoy on the subject of waterways, justifies the nomination of one of them to a committee, the activities of which are special to their training.

The Netherlands Minister is therefore directed to request the Foreign Office to be good enough to consider the desirability of including a Dutch engineer in the technical committee.

[8854] No. 21.

Mr. White to Sir Edward Grey.—(Received February 28.)

(No. 56.)

Sir, *Tangier, February* 17, 1914.

I HAVE the honour to transmit herewith a list of the heads of missions at present at Tangier.

I have, &c.
HERBERT E. WHITE.

Enclosure in No. 21.

Heads of Missions at Tangier, February 1914.

(Brought up to date from list dated February 1913.)

[The portion of this report copied from the previous report, but with emendations or additions, is marked with a dagger (†).]

Austria-Hungary.—Count Firmian succeded M. Manojlovits as Chargé d'Affaires last spring. He is, however, shortly leaving, as M. Wagner, councillor of the embassy at Madrid, is about to be appointed agent and consul-general here.

† *Belgium.*—No Minister will be appointed to succeed M. Garnier and M. van Wincxtenhoven has been appointed Chargé d'Affaires. M. van Wincxtenhoven was an "ingénieur de ponts et de chaussées," and has evidently never had any diplomatic experience. His daily *gaffes* are the talk of the town, and the doyen is frequently compelled to return the diplomatic circulars to him for the emendation of his annotations. He has been clearly sent here to obtain contracts for Belgian firms, though one would imagine that there must have also been a keen desire to get rid of him in the Commercial Department of the Ministry of Foreign Affairs at Brussels, where I understand he has served hitherto. (Written in 1913.)

M. van Wincxtenhoven, who has now been appointed agent and consul-general, gives one to understand that he was specially selected for this post on account of his abilities. He will, I fear, prove a great infliction on the Corps diplomatique, and is likely to remain here indefinitely.

France.—M. Chevandier de Valdrome, the first agent and consul-general to be appointed at Tangier, met with a tragic end last month, having been shot by his French chef, just outside the door of his drawing-room, where his guests were assembled for dinner. He staggered into the room covered with blood, and died almost immediately in the midst of his guests.

M. Couget, consul-general at Beyrout, has been appointed as M. de Valdrome's successor, and, like him, he was promoted to the rank of Minister Plenipotentiary last month. He is not expected to take up his post till the month of April, and in the meantime the agency remains in the charge of M. Martin, who has already acted as Chargé d'Affaires on several occasions, and is straightforward and satisfactory to deal with.

M. Couget is not new to Tangier, having served here for two or three years as Attaché and Third Secretary before he was appointed to the embassy in London in 1898. I have very pleasant recollections of him, but have not met him since that time.

Germany.—Baron von Seckendorff, who has been here since 1910, is now the sole remaining Minister and, consequently, doyen of the Diplomatic Body. He is, unfortunately, apt to be influenced by the Levantine chief dragoman of the legation, who has been some years in this country, and is clever, but with the characteristics of his race. Baron von Seckendorff is inclined to be somewhat pompous, but is amiable and conciliatory, and both he and his wife are generally popular.

Last summer, whilst on leave, he was sent to take charge of the German Legation at Peking, for which his former long residence in China and knowledge of the language especially fitted him. On leaving Peking he was given the rank of a "Wirklicher Geheimer Rat."

Italy.—M. de Pretis having been transferred to Madrid, M. de Parente, Third Secretary of the Italian Embassy in London, was sent a short time since to take charge of the legation. He has naturally not taken any leading part in the discussions that have arisen, and one has had no opportunities to judge of his abilities.

Netherlands.—The first diplomatic agent to be appointed after the French agent was M. Advocaat, who came from Rio de Janeiro, where he had the rank of Minister.

His energies are principally directed towards pushing Dutch commercial interests, for which his predecessor established a great reputation at The Hague. M. Advocaat fears that the increase in Dutch trade cannot be maintained, and that comparisons,

little flattering to himself, will be made. He is consequently somewhat fussy in regard to public works, adjudications, and such subjects.

He is married to a Norwegian lady.

Portugal.—Count Martens Ferrão, after having been long absent from his post, has now sent in his resignation, and I understand that an agent and consul-general will be appointed, and that M. Lopes Tavares, who has been acting Chargé d'Affaires, will be sent as consul to Berlin. He had hoped to obtain the appointment at Tangier, and is naturally disappointed at the new arrangement, and is endeavouring to obtain his appointment here. He takes but little part in the business of the Corps diplomatique.

Russia.—M. de Likatchef having been transferred to Canada, M. Woievodsky, formerly First Secretary to the Embassy at Constantinople, has been appointed agent and consul-general. So far as one can judge from the short time he has been here, he seems pleasant and sensible. The rôle of Russian representative at Tangier does not give scope for great abilities, as it is confined to blindly following the French lead.

Mme. Woievodsky, who only arrived a few days ago, is somewhat of an invalid.

Spain.—M. de Villasinda having been transferred to Lisbon last summer, M. López Roberts, the First Secretary, became Chargé d'Affaires, and is to be appointed agent and consul-general when the legation is abolished. He is capable and pleasant to deal with officially, but as the military authorities in the Spanish zone are entirely independent of the legation, representations made to him regarding affairs in that district have little practical effect.

He is cultivated and witty, and a writer of some note in Spain. Both he and his wife are popular.

United States.—Mr. Blake is still in charge of the American Legation, and hopes to be eventually appointed agent and consul-general. He was American consul at Dunfermline before being named consul-general at Tangier. He is under the disadvantage of speaking but little French and, of course, no Arabic, and is therefore, to a great extent, dependent on his interpreters, who are local men of a not very desirable type. This dependence, however, decreases as he gains experience of the country, and a decided improvement has been apparent in him lately. He is, I think, straight, and generally now takes a sensible view of the points that come up for discussion. He used to be very anti-French, probably under the influence of his staff, but lately he has changed, and he now examines questions without anti-French bias.

[8623] No. 22.

*Sir Edward Grey to M. Cambon.**

Your Excellency, *Foreign Office, February* 28, 1914.

I HAVE received a memorandum from the Dutch Minister respecting the Technical Commission which it is proposed to charge with the duty of examining the scheme for a port at Tangier.

M. van Swinderen points out that great interest is felt in the Netherlands in regard to the concession for this port, and that Dutch corporations have joined the Société pour le Développement de Tanger and the Société internationale d'Études et de Travaux au Maroc. He also emphasises the importance of Dutch shipping interests in the proposed harbour as a reason for the inclusion of a Dutch representative in the Technical Commission, a request which, he adds, would moreover be justified in view of the reputation enjoyed by Dutch civil engineers in works of this kind.

His Majesty's Government would be quite prepared to assent to the participation of a Dutch expert; but, before replying to this communication, I should be glad to learn the views of the French Government as to their final decision in this matter, to which His Majesty's Government would be ready to conform if the other Powers concerned are in agreement.

I have, &c.
E. GREY.

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* Also to Prince Lichnowsky and Señor Merry del Val, *mutatis mutandis*.

[6103] No. 23.

Sir Edward Grey to M. Cambon.

Your Excellency, *Foreign Office, March 2, 1914.*

I HAVE received the memorandum communicated by M. de Fleuriau on the 9th February, and have taken note of the further verbal explanations given by him on the 26th February, respecting the Tangier Port Works Commission.

I am prepared to agree that the Commission should meet at Paris as soon as possible, and to appoint a British commissioner for that purpose, on the understanding that the Commission will not be debarred from proceeding to Tangier, should the nature of its labours render such action desirable.

In regard to the functions of the Commission, I am prepared to agree that the Commission should consider the conditions in which a concession may be granted for the port, and, if necessary, drawn up a "cahier des charges" for this purpose. It will therefore in this connection examine in detail and decide upon the merits of the scheme of the Société internationale pour le Développement de Tanger. It is understood that the eventual concessionnaire will be bound in accordance with the provisions of the Algeciras Act to open to public tender all works in connection with the construction of the port.

I have, &c.
E. GREY.

[8903] No. 24.

Sir Edward Grey to Mr. White.

(No. 7.)
(Telegraphic.) *Foreign Office, March 3, 1914.*

MY despatch No. 18 of 24th February to Sir A. Hardinge.

1. It now appears that, except Porché, no French employés have written contracts. French Government wish to retain clause respecting "droits acquis," but would agree, instead of proviso as to contracts, to limitation of such rights to cases of officials engaged previously to a date to be fixed. They suggest date of Franco-Spanish Agreement of 27th November, 1912. What would be practical effect of this, and how would you view it?

2. If article 105 of original Madrid draft is reverted to, French Government suggest that lowest class of employés, such as office-keepers, messengers, &c., should be appointed direct by "chefs de service." This seems reasonable. Do you agree?

3. In second paragraph of article 117 of last draft, French Government now propose to insert, after the word "requises," the following: "and inscribed in a list to be prepared by a commission consisting of the Khalifa, as president, and two assessors nominated by the native electoral college." I have objected to this as going far beyond saving the Sultan's prestige by vesting right of formal appointment in Khalifa, which I understood to be sole desire of French Government, and I have again urged that, apart from formality of appointment, which I agree may be left to Khalifa, real selection should be placed in hands of Committee of Control after consultation with native electors. The constitution of the proposed commission would, I pointed out, place power of setting up the list practically in Khalifa's hands. He would see that the list contained none but his creatures. Subject to any observations you may wish to make, I propose to adhere to this view.

[9683] No. 25.

Mr. White to Sir Edward Grey.—(Received March 4.)

(No. 11.)
(Telegraphic.) *Tangier, March 4, 1914.*

YOUR telegram No. 7 of 3rd March: Tangier Internationalisation.

1. So far as I can ascertain, but very few foreigners have been employed in public offices since 27th November, 1912, if we exclude Public Works and Debt control. The point does not, therefore, seem worth contesting, unless there is something behind it to account for French insistence. It might be prudent to ask them to specify employés referred to.

2. It was always understood at Madrid that office-keepers, messengers, &c., should be appointed by head of department, and were purposely excluded from the five categories in the original article 104. Should it be decided to restore original articles 104–107, I venture again to urge that the number of categories should be reduced, as suggested in my despatch No. 4 of 7th January.

If public works are to be excluded as regards distribution of posts amongst nationalities I presume that 25 per cent. maximum will be maintained.

3. I entirely agree. As French Government will never accept election, best possible solution is that suggested in your despatch No. 18 to Sir A. Hardinge of 24th February.

[9683] No. 26.

Sir Edward Grey to Sir A. Hardinge.

(No. 26.)
Sir, *Foreign Office, March 11, 1914.*

A REPLY has now been received from Mr. White to my telegram to him, No. 7 of the 3rd March, respecting the fresh suggestions made by the French in regard to the position of existing officials in the Tangier Administration, the future system of recruiting lower-grade employés, and the appointment of the cadi.

Mr. White's observations upon these suggestions form the basis of the memorandum which has, in reply, been addressed to the French Embassy, and of which I herewith transmit a copy for your Excellency's guidance.*

I am, &c.
E. GREY.

[9683] No. 27.

Memorandum communicated to French Embassy, March 11, 1914.

Tangier Municipality.

THE following observations are offered in regard to the several points on which the French and the British points of view still appear not to be in accord:—

i. *Droits acquis des fonctionnaires.*

The French suggestion was that, instead of limiting such rights (as His Majesty's Government had proposed) to appointments secured by definite contracts, their reservation should be restricted to the case of appointments prior to a given date, the 27th November, 1912 (being the date of the Franco-Spanish agreement), being mentioned as suitable. It would appear, from a report received from Mr. White, that, with the exception, perhaps, of the Public Works Department, practically no European officials have been appointed since that date. The text proposed might therefore be tantamount to declaring that all existing European officials must be indefinitely retained. That is what His Majesty's Government would find it difficult to accept. In order to be quite clear as to the scope and importance of the date limit proposed by the French Government, it would be desirable to have a statement showing exactly what are the individual appointments which it is proposed to cover by the reservation of "droits acquis."

ii. *Mode of Appointment of Lower Officials.*

It is agreed that it will probably be advisable to return to the arrangements originally contemplated in the Madrid drafts as regards the proportionate numbers to be allowed to any one nationality. This involves the return to the detailed classification of article 20 of the original (Madrid) version of the draft convention. There would, however, be some advantage in simplifying that classification by reducing the different categories of officials from five to three, namely:—

1. Chefs de département central ou de service autonome.
2. Chefs de bureau ou de service rattaché et assimilé.
3. Agents ou employés subaltenes.

* No. 27.

According to a recent report from Mr. White, it was quite understood at the Madrid conferences that the humbler employments of office-keepers, messengers, &c., were not to be considered as coming within any of the above categories. It is certainly altogether reasonable to leave such appointments in the hands of the "chefs de service," and any form of words which the three representatives at Madrid could agree upon for giving precise effect to such an arrangement would be acceptable to His Majesty's Government. It will, however, be advisable, since the doubt has arisen, to specify in clear terms the particular class of employés affected.

As for the method of appointment under article 105 of the draft dahir (original Madrid version), Mr. White suggests, by way of simplification, the replacement of the third paragraph of that article by the following:—

"Dans les autres cas, la Commission de Classement est composée du chef de département ou service autonome intéressé, président et des personnalités les plus compétentes désignées par le Comité de Contrôle."

iii. *Appointment of Cadi and Nadir.*

The recent French proposal would arrange for the selection of these Moorish officials by the Khalifa from a list of legally qualified candidates drawn up by himself and two assessors chosen by the native electors.

His Majesty's Government had been given to understand that when the French Government objected to a system of free election of the Cadi and Nadir, they did so on the ground that it was necessary to safeguard the Sultan's prestige by strictly keeping up the appearance that he or his representative made these important appointments. This object would be fully secured so long as the formality of making the appointment was left in the hands of the Khalifa. The present proposal goes altogether beyond this. The composition of the list of qualified candidates would rest practically with the Khalifa. The presence of two native assessors would afford no guarantee that the list would contain any but the Khalifa's own creatures, and the men eventually selected from such list would, under existing circumstances, invariably take their orders from those to whom they owed their appointments.

His Majesty's Government continue to attach the greatest importance to securing the highest possible degree of independence for these judicial officers, and if the French Government cannot see their way to allow them to be freely elected by their co-religionists, the best alternative is to let the Committee of Control present the candidate chosen by them, after such consultation with the native electorate as may seem fit, to the Khalifa, who should thereupon be bound to appoint him.

[11330] No. 28.

Sir A. Hardinge to Sir Edward Grey.—(*Received March* 14.)

(No. 33.)

Sir, *Madrid, March* 11, 1914.

AS I had the honour to report in my telegram No. 5 of the 9th instant, I yesterday discussed with my French colleague the best means of renewing the earlier conversations *à trois* about the Government of Tangier. His Excellency was in favour of our beginning by addressing notes, not necessarily identic in form, to the Minister of State, embodying the offers which our two Governments were prepared to make to that of Spain, his reason being that it was important in all negotiations with the Spaniards to embody proposals in writing. I thought it would be better, and would avoid the appearance of presentation to Spain of a joint premeditated decision, to begin by an informal discussion, in the course of which we could make our various suggestions, and then, when we saw how they were received, draw up a sort of *procès-verbal* of our conversation, which would, so to speak, form a record of our precise suggestions and a basis for further discussions, and M. Geoffray assented to this and has proposed it to the Marquis of Lema. The latter replied that he would be very happy to begin the conversations next week, after the conclusion of the fêtes now being given in honour of General Lyautey, who arrived yesterday and leaves on Saturday evening for Morocco. I may mention that in the instructions sent from Paris M. Doumergue recommended to M. Geoffray that the general's visit to Madrid might be utilised in order to consult him on the negotiations and to submit any fresh suggestions, which he might have occasion to offer, to the Spanish Government. I think M. Geoffray was rather doubtful as to the value of this recommendation, and it was clear that the Spanish Government

anticipated the possibility of General Lyautey being drawn into the discussion, and therefore suggested, on the plea of entertainments in his honour, its postponement till after his departure.

I met General Lyautey at a reception at the French Embassy last night. He struck me as a frank, straightforward soldier, for, on my mentioning to him my former colleague at Lisbon, M. René Taillandier, who had previously been at Tangier, he observed pretty bluntly that they had thoroughly disagreed as to the policy their Government should pursue in the Moorish question. He is being treated with marked civility, the High Commissioner in the Spanish zone, General Marina, having been summoned from Morocco to meet him, and a lunch is being given in his honour by the Marquis of Lema at the Ministry of State to-day, and another at the palace by the King to-morrow. On Saturday he is to witness the parade for the swearing-in of the new recruits.

M. Geoffray has telegraphed for precise explanations as to the two points mentioned in my telegram referred to above, as to which his instructions are lacking in clearness, viz., the appointment of the cadi and nadir, and the vested rights of French officers.

I may mention to you that I am sending home in the Treaty Series the text of an agreement just signed between France and Spain respecting consular jurisdiction in their respective spheres in Morocco.

I have, &c.
ARTHUR H. HARDINGE.

[11327] No. 29.

Final Text of Morocco Mining Regulations, 1914. (*Published in the "Bulletin officiel" of January* 30, 1914.)—(*Received March* 14.)

Dahir portant Réglementation pour la Recherche et l'Exploitation des Mines dans la Zone du Protectorat français de l'Empire chérifien.

Louange à Dieu seul!

(Grand sceau de Moulay Youssef.)

AUX Caïds et Gouverneurs de notre Empire fortuné:

Que l'on sache par les présentes (puisse Dieu très haut en illustrer la teneur) que notre Majesté chérifienne,

Considérant que les mines constituent une des richesses de notre Empire et qu'il importe en conséquence d'en réglementer la recherche et l'exploitation,

Sur la proposition de notre Directeur général des Travaux publics,

A décrété ce qui suit:

Titre I.—*Dispositions générales.*

Article 1er.

Le présent dahir a pour objet de déterminer les conditions de la recherche et de l'exploitation des mines dans le protectorat français du Maroc, tant par les sujets marocains que par les étrangers.

Article 2.

Sont considérés comme mines pour l'appplication du présent dahir les gîtes naturels de substances minérales et fossiles suivantes:

Minerais d'où s'extraient tous métaux ou combinaisons métalliques; minerais de soufre ou d'arsenic; sels solubles ou associés à ces divers minerais;

Graphites et combustibles fossiles, à l'exclusion de la tourbe, hydrocarbures libres ou incorporés à des gangues;

Terres rares, telles que celles du zirconium, thorium et cérium;

Nitrates, borates et sels associés;

Phosphates;

Sels gemmes et de potasse et autres sels associés;

Sources et eaux salées souterraines d'où l'on peut extraire du sel.

Le droit d'exploiter ces substances ne peut être acquis qu'en vertu d'un permis accordé dans les formes prévues au titre III du présent dahir, après institution préalable d'un permis de recherche exclusif délimitant les droits de l'explorateur conformément aux dispositions du titre II.

Les permis de recherche et d'exploitation donnent droit dans les limites de leur périmètre, et indéfiniment en profondeur, à toutes les substances classées dans les mines sous réserve des dispositions relatives aux nitrates, phosphates, sources et eaux salées souterraines, sels gemmes et de potasse, prévues à l'article 51 ci-après.

ARTICLE 3.

Sont considérés comme carrières les gîtes de substances minérales non classées dans les mines, notamment les gîtes de matériaux de construction, d'empierrement et d'amendements pour la culture des terres.

L'exploitation des carrières ainsi que des tourbières est laissée à la disposition des propriétaires du sol ; elle est soumise à des règlements de police pour assurer la sécurité.

Le Makhzen aura le droit, pour l'exécution des travaux d'utilité publique, d'exploiter ou de faire exploiter les carrières appartenant à des particuliers, en conformité des règlements sur les carrières et sur les occupations temporaires.

ARTICLE 4.

En cas de contestation sur la classification légale d'une substance ou d'un gîte, il est statué par un dahir chérifien rendu sur avis conforme du Service des Mines.

ARTICLE 5.

Les permis de recherche et d'exploitation accordés en vertu du présent dahir ne peuvent faire obstacle aux droits coutumiers dont jouiraient les indigènes, pour l'extraction de certaines substances. Toutefois, les titulaires de permis d'exploitation peuvent être affranchis, pour tout ou partie de leur périmètre, de ces droits coutumiers, moyennant le payement aux intéressés d'une indemnité qui, à défaut d'entente amiable, sera fixée par dahir chérifien rendu sur avis conforme du Service des Mines.

ARTICLE 6.

En cas de retard ou d'interruption dans l'exercice des droits à eux reconnus par les titres II et III par suite de difficultés qui ne seraient pas de leur fait, les obligations des intéressés envers le Makhzen, après dues justifications fournies par eux en temps utile, seront suspendues pendant la durée de ce retard ou de cette interruption, et les intéressés auront droit, s'ils le demandent, à une prorogation de leurs droits pour une durée égale à celle de ces retards ou interruptions.

ARTICLE 7.

La recherche et l'exploitation des mines peuvent être effectuées dans les conditions fixées au présent dahir, par tout individu ou par toute société régulièrement constituée.

Les demandes présentées au nom d'une société ne sont recevables que si elles sont accompagnées des pièces justifiant de la constitution légale de la société.

ARTICLE 8.

Tout individu ou le mandataire qu'il aurait régulièrement constitué pour agir en son lieu et place, ainsi que le représentant que toute société est tenue de désigner, doivent, pour l'application du présent dahir, avoir fait et notifié au Service des Mines élection de domicile au Maroc dans l'une des villes suivantes, à savoir : les ports de la zone française ouverts au commerce extérieur et les villes de Fez, Marrakech, Meknès et Oudjda ainsi que toutes autres villes de la même zone qui seraient ultérieurement désignées par décision du Makhzen.

Toutes notifications relatives à l'application du présent dahir seront valablement faites aux intéressés au domicile ainsi élu ; à défaut d'élection de domicile, notification en sera valablement faite au représentant du Makhzen dans celle des localités ci-dessus la plus rapprochée du centre du carré qui délimite, d'après le permis originel, le périmètre des recherches.

ARTICLE 9.

Les fonctionnaires du Gouvernement chérifien et les fonctionnaires français en service au Maroc à quelque classe qu'ils appartiennent, ainsi que leurs parents jusqu'au second degré, ne peuvent, dans la zone du protectorat, obtenir, directement ou indirectement, le droit de rechercher ou d'exploiter les mines, ni devenir mandataires ou représentants des intéressés dans ces affaires.

Tous actes faits en opposition à cette disposition sont nuls et de nul effet.

Titre II.—*Des Recherches.*

ARTICLE 10.

Les recherches de mines sont libres dans toute la zone du protectorat français sous l'observation des dispositions du présent règlement, sans que l'explorateur puisse disposer des substances classées dans les mines, abattues dans ses travaux, à moins d'avoir obtenu un permis exclusif de recherche dans les conditions prévues au présent titre.

ARTICLE 11.

Le droit exclusif de recherche, en périmètre réservé, s'acquiert à la priorité de la demande régulière en la forme qui en a été remise au Service des Mines.

ARTICLE 12.

Le périmètre réservé est un carré défini par son centre et par la longueur de ces côtés, lesquels seront toujours orientés suivant les directions nord-sud et est-ouest ; la longueur desdits côtés étant fixée par l'intéressé, mais devant être comprise entre 1 kilom. et 4 kilom. Dans le cas toutefois où le carré ainsi tracé serait reconnu, soit au moment même de l'instruction de la demande, soit après coup, recouper un autre carré faisant l'objet d'un permis antérieur, la limite des deux champs de recherche entre les deux points d'intersection sera représentée par le périmètre du carré ancien et non par celui du carré nouveau, de manière à éviter, en tout état de cause, tout empiétement de celui-ci sur le précédent.

A toute époque, le titulaire du permis nouveau pourra demander au Service des Mines de procéder suivant le principe ci-dessus à la délimitation de son champ de recherche, et des champs de recherche voisins, à condition de supporter les frais de l'opération et de consigner d'avance, à la Banque d'État, à titre provisionnel, la somme qui sera fixée, dans chaque cas, par le Service des Mines.

ARTICLE 13.

Toute demande de permis de recherche doit, à peine de nullité, être précédée par la désignation matérielle sur le sol du centre du périmètre demandé.

A cet effet, il doit être établi, au centre de carré, un signal, avec une inscription faisant connaître la date de la pose du signal, le côté du carré et le nom du demandeur.

Le signal doit être maintenu en bon état pendant toute la durée du permis.

ARTICLE 14.

Pour être recevable, la demande doit faire connaître :

Les nom, prénoms, profession et domicile du demandeur, ainsi qu'éventuellement du représentant qu'il aura à ce spécialement mandaté ; et, pour une société, sa désignation et le domicile élu de son représentant ;

Une déclaration du demandeur certifiant la pose du signal et indiquant la date à laquelle il a été posé.

Toutes pièces justificatives devront être jointes pour établir l'identité et le domicile des individus intervenant comme demandeurs ou représentants, et la validité du mandat pour ces derniers.

A la demande doivent être annexés :

Un exemplaire de la partie utile d'une carte publiée au Maroc, au 1 : 200,000e au moins, ou, à défaut, la reproduction à cette échelle, au moins, d'une carte publiée à

l'échelle de 1 : 500,000e au moins, avec la représentation du périmètre sollicité et des coordonnées définissant son centre ;

Des plans et croquis dûment orientés à l'échelle de 1 : 10,000e répétant les mêmes indications et les complétant autant que de besoin en ce qui concerne le repérage du centre par rapport aux points fixes les plus voisins.

Et, enfin, un récépissé constatant le versement à la Banque d'État d'une somme égale à la redevance superficiaire due pour la première année de recherche.

Pour chaque périmètre sollicité, il doit être présenté une demande distincte.

ARTICLE 15.

La demande doit être déposée au Bureau du Service des Mines et enregistrée immédiatement sur un registre spécial avec l'indication de la date et de l'heure du dépôt ; cette date et cette heure seront reproduites sur un récépissé remis à l'intéressé.

L'ordre du priorité est déterminé par l'ordre d'inscription sur le registre.

Le Service des Mines peut faire compléter les demandes qui présenteraient de simples lacunes de forme, sans que l'intéressé perde son droit de priorité, s'il fournit les renseignements à lui demandés dans le délai qui lui est imparti.

ARTICLE 16.

Le Service des Mines répond aux demandes formulées, soit en accordant le permis, soit en faisant connaître à l'intéressé les motifs pour lesquels il croit devoir le refuser.

ARTICLE 17.

L'explorateur a le droit de faire dans la zone qui lui est attribuée toutes les installations et tous les travaux qu'il juge utiles à la reconnaissance ou à l'étude des gîtes. Il pourra disposer librement des produits concessibles provenant de ces travaux moyennant payement des redevances prévues à l'article 46, après qu'il en aura fait la déclaration au Service des Mines.

ARTICLE 18.

Le permis est valable pour trois années grégoriennes, à compter de la date de sa délivrance.

A l'issue de ces trois ans, le même attributaire, s'il n'a pas demandé un permis d'exploitation, ne peut, pendant trois ans, se faire délivrer un nouveau permis sur les mêmes terrains.

ARTICLE 19.

L'attributaire doit payer, par année et par avance, une taxe fixe de 20 centimes par hectare de terrain compris dans son périmètre de recherche, délimité comme il est dit à l'article 12.

En aucun cas, la redevance annuelle ne peut être inférieure à 300 fr. par permis.

La taxe devra être payée par année et d'avance ; en cas de retard dans le payement, l'intéressé sera mis par le Service des Mines en demeure de s'acquitter, et son permis sera annulé s'il n'a pas satisfait à cette mise en demeure dans le délai d'un mois, à dater de la notification faite dans les conditions prévues à l'article 8.

ARTICLE 20.

Le permis de recherche en périmètre réservé constitue un droit mobilier.

Il peut être cédé et transféré comme tous droits mobiliers, étant entendu toutefois que la cession ou le transfert devront porter sur la totalité d'un périmètre, et non sur une partie seulement de ce dernier.

Toute cession ou tout transfert doit être notifié au Service des Mines et donnera lieu, outre les taxes ordinaires sur la cession des droits mobiliers, à une taxe spéciale de 300 fr., à verser à l'une des succursales de la Banque d'État, pour être portée au compte du Protectorat français. Le récépissé est joint à l'avis de transfert donné au Service des Mines.

ARTICLE 21.

A toute époque, le permissionnaire peut renoncer à son permis sur simple déclaration notifiée au Service des Mines, mais sans avoir droit, dans ce cas, à remise des taxes payées ou échues.

L'effet de la renonciation part de la date à laquelle aura été déposée au Service des Mines, ou transmise à celui-ci par lettre recommandée, la demande y relative.

Le permissionnaire doit, à la renonciation comme à la déchéance ou à l'expiration de son permis, faire disparaître le signal de centre.

ARTICLE 22.

Lors de l'abandon d'un permis, pour quelque cause que ce soit, l'intéressé peut retirer tous les objects lui ayant appartenu, mais il ne peut, à aucune époque, réclamer aucun droit ni privilège pour les travaux par lui exécutés, sauf dans le cas prévu par l'article 51 pour l'inventeur d'un gîte de phosphate, de nitrate ou de sel gemme.

Titre III.—*De l'Exploitation.*

ARTICLE 23.

Le permis d'exploitation d'une mine est concédé par dahir chérifien.

ARTICLE 24.

Le permis d'exploitation ne peut être obtenu que par le titulaire d'un permis de recherche en périmètre réservé, non périmé au moment de la demande.

ARTICLE 25.

L'étendue du permis d'exploitation sera de 2,000 hectares au plus et de 100 hectares au moins.

Son périmètre aura, sauf exception, admise par le Service des Mines, la forme d'un rectangle, dont les côtés seront orientés nord-sud et est-ouest, le petit côté n'étant pas inférieur au quart du grand.

Ce rectangle devra être compris, pour les trois quarts au moins, dans les limites du périmètre de recherche ; il ne pourra, sans le consentement des intéressés, empiéter sur des terrains pour lesquels un tiers aurait des droits antérieurs de recherche ou d'exploitation.

ARTICLE 26.

La demande de permis d'exploitation doit être déposée au Service des Mines avec toutes les justifications nécessaires ; elle est accompagnée d'un plan à 1 : 10,000e portant l'indication du périmètre originaire de recherche et du périmètre d'exploitation sollicité, avec toutes les données nécessaires à la reconnaissance et à l'identification des bornes qui auront dû, au préalable, être posées aux sommets du périmètre par les soins du demandeur.

Le demandeur sera d'ailleurs tenu de fournir au Service des Mines tous renseignements complémentaires, que celui-ci jugerait utiles pour l'instruction de l'affaire.

ARTICLE 27.

La demande est tenue, dans les Bureaux du Service des Mines, à la disposition du public et portée, en outre, à la connaissance de ce dernier par des avispubliés dans les conditions prévues à l'article 50 ci-après.

Le public est avisé de même, au moins un mois à l'avance, de la date à laquelle le Service des Mines procédera sur place à une enquête pour reconnaître la régularité de la demande en vérifiant et faisant rectifier au besoin le bornage du périmètre demandé.

Le caïd ou le pacha dans la juridiction duquel est situé le susdit périmètre est directement averti par le Service des Mines.

Les frais de l'instruction sont à la charge du demandeur qui, dans le délai de quinze jours à compter du dépôt de la demande, devra consigner, à titre provisionnel, la somme fixée par le Service des Mines pour faire face à ces frais, faute de quoi il ne serait pas donné suite à la demande.

ARTICLE 28.

Après les formalités ci-dessus, il sera définitivement statué par un dahir chérifien, qui fixera le périmètre sur lequel portera le permis d'exploitation ; avis de la signature de ce dahir sera donné à l'intéressé.

Ce dernier sera également avisé, au cas de rejet de sa demande, et aussi au cas où l'octroi du permis sollicité serait ajourné pour des motifs de sécurité publique, et notamment par application de l'article 60 ci-après.

ARTICLE 29.

Avant que lui soit délivré le titre instituant le permis d'exploitation, l'intéressé, sur l'avis qui lui en est donné en conformité de l'article 28, doit justifier du versement à la Banque d'État, pour être porté au compte du Protectorat français, d'un droit fixe de 500 fr.

Faute par lui de justifier de ce versement dans le délai imparti, le dahir d'institution sera annulé. Notification en sera faite à l'intéressé par le Service des Mines.

ARTICLE 30.

Le permis d'exploitation confère le droit d'effectuer dans le périmètre dudit permis, en se conformant aux dispositions du présent dahir, tous les travaux jugés utiles à l'exploitation de substances classées dans les mines, et le droit de disposer librement desdites substances ainsi extraites.

ARTICLE 31.

Le permis d'exploitation constitue un droit mobilier, cessible et transmissible, comme tous autres droits mobiliers; il est entendu toutefois que la cession ou le transfert devront porter sur la totalité d'un périmètre et non sur une partie seulement, hors le cas de renonciation partielle ou de division autorisées par dahir chérifien, dans les conditions prévues à l'article 33.

Toute cession ou tout transfert doit être notifié au Service des Mines dans les conditions prévues à l'article 20 ; toutefois, le droit spécial de mutation sera de 500 fr.

Tant que la cession ne sera pas devenue définitive, le titulaire actuel du permis d'exploitation restera seul responsable, à l'égard du Makhzen, de l'exécution des prescriptions du présent dahir.

ARTICLE 32.

Le titulaire d'un permis d'exploitation devra payer, par hectare, une taxe annuelle fixée, savoir :

Pour les mines de fer et de combustibles : à 1 fr. la première année, 2 fr. la seconde année et 2 fr. 50 c. à partir de la troisième année.

Pour les mines d'autres substances : à 1 fr. 50 c. la première année, 2 fr. 50 c. la deuxième année et 3 fr. 50 c. à partir de la troisième année.

Cette taxe sera due à partir du 1er janvier ou du 1er juillet qui aura précédé la remise du dahir d'institution ; elle sera exigible par semestre et d'avance, et payable, pour le semestre au cours duquel aura été délivré le dahir, au moment de cette délivrance, et, pour les semestres suivants, le 1er janvier et le 1er juillet.

En cas de retard dans le payement, l'intéressé sera mis en demeure de s'acquitter par le Service des Mines, qui prononcera la déchéance du permissionnaire, s'il n'a pas été satisfait dans un délai de deux mois à cette mise en demeure.

Aussitôt la déchéance prononcée, la mine est, par les soins du Service des Mines, et après avis donné au public, dans les conditions indiquées au paragraphe 1er de l'article 27, vendue en adjudication publique au profit de l'exploitant déchu ou de ses créanciers.

L'adjudication portera, en même temps que sur la mine elle-même, sur toutes ses dépendances et installations accessoires, sur les voies de communication la desservant et qui auraient été établies par l'exploitant à ses frais exclusifs, et sur tous droits et servitudes acquis par ledit exploitant.

La somme provenant de l'adjudication sera consignée à la Banque d'État pour être répartie à qui de droit, après déduction de tous les frais avancés par le Service des Mines pour arriver à l'adjudication.

En aucun cas, l'adjudication ne pourra avoir lieu à un prix inférieur au montant de ces frais.

Dès la signification de la déchéance, il est interdit à l'exploitant de détourner ou

d'enlever de la mine, ou de ses dépendances, tout objet placé à demeure ou non, en dehors de simples approvisionnements, à peine d'être poursuivi personellement à la requête de l'adjudicataire pour tous détournements faits en opposition avec la présente disposition.

Le Service des Mines peut, aussitôt la déchéance prononcée et notifiée, faire placer la mine en séquestre pour assurer l'exécution de la disposition qui précède.

Si, après deux tentatives à trois mois d'intervalle, la mine n'a pas été adjugée, le permis est annulé par dahir chérifien ; le Service des Mines fait enlever les bornes et les terrains deviennent libres comme si la mine n'avait pas été instituée, l'attributaire pouvant toutefois enlever tous les engins d'exploitation et toutes les installations de surface par lui établis ; il devra avoir opéré cet enlèvement dans un délai maximum de six mois, faute de quoi lesdits engins et installations resteraient acquis sans indemnité à l'État marocain.

ARTICLE 33.

A toute époque, le titulaire d'un permis d'exploitation peut, en adressant sa demande au Service des Mines, obtenir par dahir chérifien la renonciation partielle ou totale à son permis, ou sa fusion avec un autre permis limitrophe ou sa division.

Les nouveaux périmètres devront satisfaire aux conditions imposées par l'article 25 et ne pourront être arrêtés qu'après accomplissement des formalités d'instruction prévues à l'article 27.

Les bornes inutiles devront être déplacées et il en sera placé de nouvelles aux frais de l'intéressé.

En cas de renonciation, le permissionnaire ne peut enlever des travaux souterrains que les objets qui peuvent être retirés sans amener la destruction de ces travaux ; il peut disposer de toutes les installations de surface par lui établies. Les terrains compris dans le permis deviennent libres, comme si la mine n'avait pas été instituée.

Titre IV.—*Des Droits et Obligations des Exportateurs et des Exploitants.*

ARTICLE 34.

Aucun travail de recherche ou d'exploitation ne peut être entrepris à la surface dans une zone de 50 mètres à l'entour des propriétés closes, villages, groupes d'habitations, puits, édifices religieux, lieux de sépulture ou considérés comme sacrés par le Gouvernement chérifien, ou à moins de 20 mètres des voies de communication, conduites d'eau et généralement de tous travaux d'utilité publique et ouvrages d'art, à moins du consentement du propriétaire pour les propriétés privées, ou du Makhzen pour le domaine public, les travaux d'utilité publique et les ouvrages d'art.

ARTICLE 35.

Des périmètres de protection de dimensions quelconques peuvent être établis par dahir chérifien autour des sources, des voies de communication et des immeubles énumérés à l'article précédent, comme aussi en tous les points où ils paraîtraient nécessaires dans un but de défense militaire. Dans l'intérieur de ces périmètres, tout travail de recherche ou d'exploitation, souterrain au superficiel, ne peut être entrepris ou poursuivi que dans les conditions fixés par le Service des Mines, et peut même être interdit sans que l'explorateur ou l'exploitant puisse jamais réclamer de ce fait aucune indemnité, hors le seul cas où il devrait démolir ou abandonner des ouvrages établis par lui, à l'intérieur desdits périmètres, antérieurement à leur fixation. L'indemnité due en ce cas ne devra représenter que le montant des dépenses faites par l'explorateur ou l'exploitant et devenues pour lui inutiles.

ARTICLE 36.

Nul permis de recherche ou d'exploitation ne peut mettre obstacle à l'exécution des travaux d'utilité publique, à l'intérieur de son périmètre, non plus qu'à l'ouverture et à l'exploitation de carrières à utiliser pour ces travaux.

L'explorateur ou l'exploitant n'a droit qu'au remboursement des dépenses par lui faites et rendues inutiles par l'exécution desdits travaux ou l'ouverture desdites carrières, compensation faite, s'il y a lieu, avec les avantages qu'il peut en retirer.

ARTICLE 37.

L'explorateur ou l'exploitant peut utiliser pour le service exclusif de son entreprise, sans avoir de ce chef rien à payer aux propriétaires ou possesseurs du sol, les substances qu'il aurait abattues dans ses travaux de recherche ou d'exploitation, et qui rentreraient dans la classe des carrières telles qu'elles sont définies à l'article 3 ci-dessus.

ARTICLE 38.

L'explorateur ou l'exploitant n'a aucun droit, dans son périmètre, aux bois et autres produits végétaux du sol, ni aux eaux superficielles. Il pourra toutefois utiliser les eaux sortant de ses puits ou galeries, mais à la condition d'en assurer l'écoulement après usage dans les conditions qui lui seront prescrites par le Service des Mines.

Il n'a de même aucun droit aux monnaies, objets d'art ou d'antiquité que ses travaux mettraient à jour ; il doit donner avis immédiat de ses découvertes au Service des Mines, et, en attendant qu'il ait pu les lui remettre, les conserver à l'abri de toute détérioration.

ARTICLE 39.

L'explorateur a le droit d'occuper temporairement, soit dans les limites de son périmètre, soit en dehors et aux abords de celui-ci, les terrains que le Service des Mines jugera nécessaires à ses installations et à leurs dépendances. Les conditions et la durée de cette occupation seront fixées, pour les terrains Makhzen, par le Service des Domaines ; pour les terrains particuliers, elles seront débattues entre l'explorateur et le propriétaire du sol, ou celui qui est présumé tel, et à défaut d'accord amiable, réglées d'après la procédure stipulée par le règlement sur l'occupation temporaire ; étant naturellement entendu que, dans ce cas, la durée de l'occupation ne pourra excéder celle prévue à titre de maximum par ledit règlement.

ARTICLE 40.

L'exploitant aura de même le droit d'occuper temporairement, soit dans les limites de son périmètre, soit en dehors et aux abords de celui-ci, les terrains que le Service des Mines jugera nécessaires pour le percement de ses galeries et puits d'aérage ; pour l'établissement de ses dépôts, magasins, et ateliers de lavage et de traitement des minerais, pour l'aménagement d'usines hydrauliques, électriques ou à vapeur, destinées à lui procurer la force nécessaire ; pour l'adduction des eaux utilisées par lui et pour leur restitution à leur cours naturel ; pour la construction de plans inclinés, de lignes funiculaires aériennes, de routes, de voies ferrées se reliant aux lignes d'intérêt général, ou aboutissant à des ports ouverts au commerce, en vue de l'évacuation des produits de la mine ou de l'amenée du matériel et des matériaux nécessaires à l'exploitation de celle-ci, et d'une façon générale, pour les installations accessoires de tout ordre que comporte ladite exploitation.

La durée et les conditions de ces occupations seront fixées dans les formes définies à l'article précédent.

Les terrains particuliers qui devraient être aux mêmes fins que ci-dessus utilisés par l'exploitant pendant une durée supérieure à celle prévue à titre de maximum par le règlement sur l'occupation temporaire, devraient être acquis par lui, en se conformant à la procédure stipulée par le règlement sur les expropiations.

Les projets des voies ferrées et installations hydrauliques, et aussi ceux des ouvrages extérieurs au périmètre, devront être soumis au Service des Mines avec plans, profils, et tous dessins et documents que ledit Service jugera nécessaires ; ils ne pourront être entrepris qu'après approbation de ce dernier et en tenant compte des modifications qu'il croirait devoir prescrire.

Le même Service déterminera la nature et la consistance des ouvrages qui pourront être établis dans les ports ouverts au commerce, aux points terminus des lignes construites pour le service de la mine.

ARTICLE 41.

Quand une voie minière viendra s'embrancher sur une ligne livrée à l'exploitation publique, l'exploitant de la mine aura à supporter les dépenses des installations nouvelles rendues nécessaires de son fait dans la gare d'embranchement, et aussi les frais supplémentaires d'exploitation auxquels ledit embranchement donnerait lieu.

Le montant de ces frais et dépenses pourra être fixé par voie d'accord amiable entre l'exploitant de la voie ferrée (compagnie ou État) et celui de la mine.

ARTICLE 42.

Le Gouvernement du protectorat décidera, sur l'avis du Service des Mines, et l'exploitant entendu, s'il y a lieu d'autoriser l'utilisation pour l'usage public des voies de terre, des voies ferrées, ou des installations établies dans les ports ouverts au commerce pour les services de la mine, en vertu de l'article 40 ci-dessus. Il déterminera dans ce cas les conditions dans lesquelles s'exercera cet usage public et notamment les tarifs à percevoir des usagers par l'exploitant, lesdits tarifs ne pouvant toutefois être inférieure au coût réel du transport augmenté de 15 pour cent.

Ce même Gouvernement aura le droit de racheter à toute époque les ouvrages ci-dessus, étant entendu que la somme à verser à l'expoitant représentera le montant des dépenses de premier établissement, telles qu'elles ressortiront des pièces de comptabilité par lui produites, avec majoration pour frais généraux et bénéfices fixés à forfait à 15 pour cent. En ce cas, l'exploitant conservera le droit d'utiliser pour ses transports et manutentions les installations rachetées en payant seulement au prix de revient lesdits manutentions et transports.

ARTICLE 43.

Les exploitants de mines limitrophes ou voisines peuvent constituer un syndicat, soit pour l'établissement d'ouvrages analogues à ceux visés à l'article 40, soit pour l'usage de l'exploitation en commun des ouvrages de même nature déjà établis par l'un d'eux. Ils auront, en ce qui concerne les occupations ou les acquisitions de terrains nécessaires à l'assiette desdits ouvrages, l'exécution de ceux-ci, leur rachat par l'État et leur utilisation après rachat, les droits et obligations définis par les articles 40 à 42 ci-dessus.

Tout exploitant de mines limitrophes ou voisines de celles déjà syndiquées, peut demander à faire partie du syndicat ; en ce cas, à défaut d'entente entre les intéressés, il est définitivement statué, tant sur le principe que sur les conditions de la participation, par trois arbitres, dont l'un, désigné par le syndicat, l'autre par le demandeur, et le troisième par les deux premiers, ou, si ceux-ci ne peuvent se mettre d'accord pour cette désignation, par le Makhzen.

Les actes syndicaux devront être, aussitôt intervenus, communiqués au Service des Mines ; celui-ci devra, en outre, être immédiatement avisé de toute modification introduite à ces actes, soit par suite de la participation au syndicat d'un exploitant nouveau, soit pour toute autre cause.

ARTICLE 44.

En cas de cession, ou de transfert à un titre quelconque d'un droit de recherche ou d'exploitation, les installations à demeure établies pour l'exercice de ces droits les suivent dans la cession, à moins qu'il n'en soit autrement stipulé dans l'acte. Nul créancier ne peut saisir isolément ces installations et le droit pour l'exercice duquel elles sont établies.

ARTICLE 45.

L'explorateur ou l'exploitant sera tenu de réparer tous dommages que ses travaux pourraient occasionner aux propriétés de la surface ainsi qu'aux recherches ou exploitation voisines.

ARTICLE 46.

Il sera établi sur les produits des mines, pour être perçues à l'exportation par les agents des douanes aux frontières terrestres et maritimes du Maroc, les taxes ci-après, savoir :

Sur toutes les substances comprises dans la classe des mines et non transformées en métaux bruts ou alliages, 3 pour cent *ad valorem ;*

Sur les métaux bruts, à l'exception de l'or, et sur les alliages tirés de substances extraites au Maroc, 3 pour cent *ad valorem ;*

Sur l'or, 10 pour cent *ad valorem.*

La fixation de la valeur des diverses substances ci-dessus étant faite au point de sortie par les agents des douanes d'après les mêmes règles que celles de la valeur des marchandises à l'entrée.

Les métaux ouvrés seront exempts de taxes ; il en sera de même des substances minérales, métaux bruts ou alliages sortant par réexportation, mais à charge expresse par le réexportateur d'établir leur certificat d'origine.

ARTICLE 47.

Les frais de déplacement des agents du Service des Mines, mis à la charge des intéressées par le présent règlement, seront arrêtés d'après un tarif qui sera établi par le chef dudit service. Ils seront imputés sur les sommes consignées à titre provisionnel, dont il est parlé aux articles 12 et 27 ; en cas d'insuffisance desdites sommes, le solde en service payé en même temps que le premier terme à échoir des taxes de recherche ou d'exploitation.

Titre V.—*Du Service des Mines.*

ARTICLE 48.

Le Service des Mines est chargé de veiller à l'exécution du présent dahir ; il édicte en outre les règlements de police nécessaires, pour assurer la sécurité des chantiers superficiels ou souterrains et de leurs dépendances, et en surveille la stricte application.

ARTICLE 49.

Les fonctionnaires et agents du Service des Mines ont, à tout moment, libre accès et parcours sur toutes les installations et travaux des explorateurs et exploitants. Ceux-ci sont tenus de leur fournir toutes facilités pour l'accomplissement de leur mission et de les faire accompagner dans leurs visites, s'ils en sont requis, par les préposés et surveillants dont le concours serait nécessaire.

Ils peuvent se faire représenter les plans des travaux ainsi que les registres d'extraction et de contrôle des ouvriers, qui doivent être tenus par les exploitants, et ils peuvent se faire donner ou envoyer copie de ces documents aux frais des exploitants.

ARTICLE 50.

Les dahirs chérifiens prévus aux divers articles ci-dessus, de même que les règlements édictés par le Service des Mines, seront insérés au " Bulletin officiel " du protectorat.

Titre VI.—*Dispositions diverses.*

ARTICLE 51.

Par exception aux dispositions du titre III, les permis de recherche ne peuvent être suivis de permis d'exploitation pour les phosphates et nitrates, ainsi que pour les sels gemmes ou autres sels associés dans les mêmes gisements, et les sources et eaux souterraines salées. Ces substances ne pourront être exploitées qu'en vertu d'adjudications publiques dans les périmètres et pour une durée définie par le cahier des charges de chaque adjudication.

L'adjudication portera sur le taux d'une redevance spéciale à payer par tonne de produits extraits, restant entendu que cette redevance ne dispensera nullement l'adjudicataire de la redevance fixe par hectare, ni de la redevance *ad valorem*, fixée au titre III. Le cahier des charges peut astreindre l'adjudicataire à construire et à exploiter pendant la durée de son adjudication des ouvrages de viabilité ou de navigation qui pourront être affectés au service public, dans les conditions fixées audit cahier des charges.

Les explorateurs munis de permis de recherche en périmètre réservé qui auront découvert dans leur périmètre des gîtes de phospates ou de nitrates nouveaux, et démontré leur exploitabilité, auront droit, pendant un délai de quinze ans, à dater de la décision qui leur aura reconnu la qualité d'inventeurs à un cinquième des redevances spéciales à la tonne payées par les adjudicataires ; cette décision devra être sollicitée par eux avec toutes preuves à l'appui, avant l'expiration de leur permis de recherche ; elle sera prise par le Service des Mines et publiée au " Bulletin officiel."

Les explorateurs n'auront aucun droit à indemnité, quel que soit le retard apporté à l'adjudication ; ils ne pourront élever aucune réclamation sur la rédaction du cahier des charges.

L'adjudication ne fait pas obstacle à la recherche et à l'exploitation, dans les périmètres adjugés, des substances autres que celles dénommées au présent article, par toute personne ayant acquis des droits antérieurs à l'adjudication. Mais de nouveaux droits de recherche ou d'exploitation ne pourront être reconnus postérieurement à l'adjudication qu'aux seuls adjudicataires.

Le Makhzen se réserve le droit d'exploiter les mines de sel, en se conformant aux dispositions des titres II et III du présent dahir.

ARTICLE 52.

Une même personne ou une même société ne peut détenir simultanément au Maroc, pour quelque motif que ce soit, des droits d'exploitation sur plus de 60,000 hectaires, à peine d'encourir la déchéance de ses permis, en conformité de l'article 32 du présent dahir. Exception est faite :

1. Pour les adjudications qui seraient passées en vertu de l'article 51 ;
2. Pour les sociétés auxquelles le Makhzen croirait devoir concéder des ouvrages de viabilité ou de navigation dont lesdites sociétés s'engageraient à assurer l'établissement et l'exploitation aux conditions qui seraient, dans chaque cas, déterminées par le dahir d'institution. Il est expressément entendu que les mêmes dahirs pourraient, en ce cas, imposer aux concessionnaires le payement d'une redevance venant s'ajouter aux redevances fixes à l'hectare, et aux redevances *ad valorem*, prévues au titre III.

Les concessions prévues par le 2° de cet article devront être publiées au " Bulletin officiel " du protectorat.

ARTICLE 53.

Est puni d'une amende de 500 fr. à 1,000 fr., sans préjudice de la restitution en nature ou en valeur des produits indûment extraits :

1. Quiconque exploite des mines sans en avoir le droit ;
2. Quiconque détruit, déplace ou modifie d'une façon illicite des signaux ou des bornes de périmètres.

ARTICLE 54.

Est puni d'une amende de 100 fr. à 500 fr. quiconque apporte des entraves à la surveillance des agents du Service des Mines ; quiconque n'entretient pas en bon état les signaux ou les bornes de son périmètre ; et enfin quiconque contrevient aux règlements de police relatifs à la sécurité des mines, sans préjudice des mesures que le Makhzen pourrait prendre contre les indigènes.

ARTICLE 55.

Les personnes qui ont été condamnées pour l'une des infractions prévues à l'article 53 ci-dessus ne peuvent obtenir de permis exclusif de recherche pendant un délai de cinq ans, à compter du jour où leur condamnation est devenue définitive.

En vue de l'application de la présente disposition, le Service des Mines reçoit des extraits des jugements portant condamnation pour infraction.

ARTICLE 56.

Les amendes sont prononcées par les tribunaux de droit commun à la demande du Service des Mines.

ARTICLE 57.

Les explorateurs ou exploitants sont soumis, en ce qui concerne les matières non traitées par le présent dahir, aux règlements intervenus ou à intervenir dans le protectorat, sous réserve des droits internationaux et des traités.

ARTICLE 58.

Toutes les sommes à payer en vertu du présent dahir sont calculées en francs, pesetas or, ou cinquième de rial Hassani or, et sont payables en monnaies ayant cours légal au Maroc, au cours du change appliqué par la Banque d'Etat le jour où le payement devient exigible.

ARTICLE 59.

Les taxes prévues à l'article 19 (paragraphes 1 et 2) et à l'article 32 (paragraphes 1, 2 et 3) ne pourront pas être augmentées avant un délai de sept ans.

Les taxes prévues à l'article 46 ne seront pas majorées avant un délai de dix ans.

ARTICLE 60.

Le Makhzen peut, par voie de mesure générale et pour des motifs de sécurité, suspendre le droit de rechercher des mines et celui d'acquérir des permis de recherche ou d'exploitation dans des régions déterminées. Ces mesures sont publiées dans le "Bulletin officiel" du protectorat.

Les droits acquis antérieurement continueront à pouvoir être exercés dans ces régions aux risques et périls des intéressés.

Le délai fixé par l'article 18 ne court pas et les droits fixes mentionnés aux titre II et III ne sont pas dus tant que dure l'interdiction.

ARTICLE 61.

Les nouveaux permis de recherche ou d'exploitation qui seraient sollicités pendant le délai de six mois, prévu au règlement relatif à la liquidation des litiges miniers, ne pourront être délivrés en tous cas qu'à l'expiration dudit délai ; ils ne le seraient qu'après décision de la Commission d'Arbitrage, s'ils portaient sur des terrains ayant fait, au cours du délai, l'objet de revendications basées sur des droits ou faits antérieurs.

Fait à Rabat, le 21 safar, 1332 (19 janvier, 1914).

Vu pour promulgation et mise à exécution :
Le Commissaire Résident général,
Commandant en chef,
LYAUTEY.

Oudjda, le 28 janvier, 1914.

[11990] No. 30.

Sir A. Hardinge to Sir Edward Grey.—(Received March 18.)

(No. 36.)

Sir, *Madrid, March 14*, 1914.

THE French Ambassador brought General Lyautey to see me this afternoon, to discuss the question of the formula respecting the appointment of the Tangier ulema which we should suggest to the Spanish Government.

I showed his Excellency the memorandum communicated by you to the French Embassy in London, a copy of which was enclosed in your despatch No. 26 of the 11th instant.

M. Geoffray said it was clear that your views and those of his Government were still so far apart on this question that we could not make a joint recommendation to the Spanish Government until we were agreed on a new formula. He is telegraphing on this subject to Paris, as also on the two other points mentioned in the memorandum.

He asked how the Committee of Control would ascertain the views of the Mussulman notables at Tangier, and decide on the respective merits of rival ulema, and what weight would be attached by Mussulmans to the practical appointment of such officials by a mainly infidel body. I said I thought that most of the consuls-general must know, or have had relations on matters affecting the legal interests of their Mussulman subjects and protégés, with the leading Mussulman magistrates of Tangier, and that Mussulmans, however strict they might be in theory, were, so far as my own experience went, quite willing in practice to bow to the authority of a strong *de facto* European administration.

General Lyautey then spoke at some length on the subject, from his own standpoint as the Foreign Minister of the Sultan. He dwelt on the two aspects of that Sovereign's authority, temporal, in such matters as the choice of bashas and kaids, who were merely lay executive officers, and spiritual or religious in regard to the appointment of authorised interpreters of the sacred law of Islam, which he compared to that of the Pope in Roman Catholic countries. In Italy many Christians, who cared nothing for the temporal power of the Papacy, would be shocked at the appointment of bishops by a secular ruler. So, too, in Morocco, many tribes who habitually disobeyed the Makhzen and its kaids, would dislike the appointment of cadis by any authority but that of their Mussulman Supreme Pontiff, and there was thus a danger that a cadi so appointed would be regarded very much as were the "Constitutional" priest and bishops, elected after the French revolution by popular constituencies under the "Civil Constitution of the Clergy." Such ecclesiastics were, as I doubtless knew, not regarded

as real priests by Catholics ; and all their ecclesiastical acts and indeed their orders were deemed null or at least of very doubtful validity.

I said that for that matter the Papacy had in France itself (since the general had appealed to French analogies) sometimes given up its claim to ecclesiastical patronage ; and I reminded him of the Concordat of 1516 between Francis I and the Vatican, under whose first article Leo X surrendered to the French crown the appointment of bishops and abbots—Paul III did, I think, the same thing in Spain—merely reserving to himself a right of veto on a candidate canonically disqualified. My argument, though it served its purpose, was really a specious one, for there is no true analogy between a Pope and a Mussulman Sovereign or between a cadi and a Christian ecclesiastic, and no true distinction, in a purely theocratic society like that of Islam, between the temporal and spiritual attributes of the ruler, both of which are equally divine, but both of which can be equally delegated, so long as the original source of power is, by a legal fiction, preserved. Thus in Tunis, for instance, the French set aside in a very high-handed fashion, by the authority of the Bey, a mere "layman," if a term so inconsistent with Mohammedan conceptions can be used, the old Hanefi religious Court which derived its spiritual authority from the Sultan of Turkey as Khalif, merely because the Hanefi doctrine as to the right of "Shufaa" (a form of pre-emption) was inconvenient to the claims of the "Société marseillaise," in the case of the Enfida estate, and with the apparently complete acquiescence of the native population, put Maleki cadis in its place. At the same time I quite understand the reluctance of the French, where no French interest is thereby to be served, to give any unnecessary offence to the Sultan of Morocco, and General Lyautey informs me, nor do I doubt that what he says is strictly true, that in the matter of the appointment of the cadis, who have little or nothing to do with the rights of French citizens, he always makes a point of deferring—at least for the present—to the personal views of His Shereefian Majesty.

The general threw out a suggestion, which I said I thought quite worthy of consideration, that an assembly of Moslem notables, as distinct from a popular Moslem electorate, might select candidates to be submitted, either directly or through the Committee of Control and the Khalifa, to the Sultan, who would then give them what, arguing on Christian analogies, to my mind a little misleading, he called "canonical institution." I said that the suggestion seemed to me quite deserving of consideration, reverting as it did to some extent to the idea of the choice of these ulema by the Moslem population, and that I was quite prepared to submit to you, and if you approved, to the Spanish Government, some formula which would satisfy the Sultan, whilst securing real independence for the cadis and nadir, and some share in their choice to the Mussulman inhabitants of Tangier. We must not, however, forget, I added, that we had to persuade the Spanish Government, which was much more suspicious than ourselves, of the uses to which the French officials at Rabat might put their influence in the counsels of the Sultan.

General Lyautey said he had had conversations during his stay with the Marquess of Lema, and thought he had to some extent dispelled his Excellency's distrust of French motives in this matter. It would not, he thought, be difficult to devise a compromise which would satisfy both the Spaniards and the Sultan.

M. Geoffray, who is, I think, most anxious to arrive at such a compromise, and is probably not really sorry to find you a little stiff on this and other points at issue between Paris and Madrid, says he must, before moving in the matter, await a fresh reply from his Government. General Lyautey is himself on his side, I think, really desirous of a settlement, but both he and the French Foreign Office are, I suspect, a little anxious about the effect on the Paris press and on public opinion in France of French chauvinist feeling in their somewhat noisy colony at Tangier.

I have, &c.
ARTHUR H. HARDINGE.

[12293] No. 31.

Mr. White to Sir Edward Grey.—(Received March 20.)

(No. 79.)

Sir, *Tangier, March 12*, 1914.

I HAVE the honour to report that the Portuguese Chargé d'Affaires informs me that his Government have agreed to the suppression of their consular courts in the French zone, Portuguese subjects and protégés being placed under the jurisdiction of the new French tribunals from the 8th proximo.

The local papers announce that the Spanish and Italian Governments have also agreed to suppress their consular courts in the French zone, but neither of the legations has yet received any official intimation to that effect. The Spanish Chargé d'Affaires, however, tells me that an arrangement for the reciprocal suppression of their consular courts in the two zones will doubtless soon be come to between the French and Spanish Governments, if it has not already been effected.

I have, &c.
HERBERT E. WHITE.

[12507] No. 32

Sir A. Hardinge to Sir Edward Grey.—(Received March 21.)

(No. 37.)
Sir, *Madrid, March 16, 1914.*

I HAVE the honour to report, in continuation of my despatch No. 33 of the 11th instant, that M. Geoffray and I had an interview this afternoon with the Minister of State on the subject of his Excellency's counter-proposals respecting the administration of Tangier.

The French Ambassador began by saying that his Government had considered these proposals and suggestions, and although it did not see its way to agree with them all in their present form, had authorised him to discuss them, and with regard to some of them to meet as far as possible the views of the Spanish Government. He had understood from me that I on my side had instructions to the same effect, though these were not in every point precisely similar to his own, and we had, therefore, both thought that a friendly preliminary conversation with his Excellency might help to clear the ground. If the Marquis de Lema concurred, we might each of us then place before him in writing the views of our respective Governments.

He next dealt with three of the questions on which our latest proposals had been most adversely criticised by the Spanish Government; those of—

1. The "tabors";
2. The representation of the Sultan in the Tangier municipality; and
3. The mode of selecting the cadi and nadir.

The Marquis de Lema appeared fairly satisfied with the suggestion that the arrangement originally proposed as regards the "tabors" should come into automatic operation, independently of any action by the municipality, as soon as Spain declared herself able to guarantee the maintenance of peace and order in those portions of her zone which were conterminous with the new international district; but his Excellency stated that he must of course before accepting very carefully consider this proposal. M. Geoffray went on to say that his Government could not acquiesce in the exclusion of the Khalifa from the Municipal Assembly, but that it might as a concession reduce by one the number of Moorish elected representatives, so as not to increase the total Moorish vote. He mentioned as a possible alternative, though he could not as yet say that he would be authorised to accept it, a suggestion of my own that the Khalifa or a person named by him might act as president of the Assembly and in that capacity abstain from voting, except, perhaps, in the rare case of an equal division, when he might be allowed to give a casting vote. As regards the appointment of the ulema, he hoped that we might devise some formula which would reconcile their real independence with the preservation of some semblance of control over the nomination by the Sultan as the local supreme head of the Moslem faith. He added that on this point, as on one or two others, there was some divergence of views as to the precise method to be pursued between the British and French Governments, but that we should both welcome and discuss in a friendly spirit any suggestion which might be made to us by that of Spain. He touched on the British suggestion that the Sultan should formally ratify the appointment of the ulema, actually and really made by the Committee of Control; and when the Marquis de Lema compared this to the institution given to prelates "presented" by the Governments of certain Roman Catholic States, rather wittily observed that the committee was a mainly Christian body, whose recommendations to the Sultan of Moorish ulema would be something like a recommendation of French bishops to the Holy See by the Jewish consistory in Paris. He at the same time handed to his Excellency for consideration two drafts of articles (copies of which I have the honour to enclose) one of article 8 of the convention (the religious monopoly claimed by the Spanish Franciscan friars) and the

other of article 25 (the respective functions of the French engineer, and his Spanish assistant). With regard to the latter, I observed that His Majesty's Government would concur in any formula on which Spain and France were agreed.

The Marquis de Lema, in taking note of these declarations, again dwelt on the unfortunate impression produced upon his mind by the exclusion of the Spanish Government from the conversations in London which had led up to our recent joint proposals, and to the criticisms to which this revision, in a sense generally adverse to Spanish views, of the scheme agreed on by the Madrid Commission in the time of the late Government, would expose the present Government, supposing them to accept it, at the hands of the Cortes and Spanish public opinion. He would, however, study the new suggestions which M. Geoffray had made in a conciliatory spirit, and he seemed rather to approve of the idea that the Khalifa might perhaps act as president of the Municipal Assembly, and in that capacity never, or rarely only, vote.

I said that this suggestion was a purely personal one of my own, thrown out tentatively, and without any authority from yourself, in the course of a private talk with my French colleague, and that it might very likely not be entertained by my own Government or by that of France. It is, of course, open to one very practical objection, namely, that the president of the Municipal Assembly ought to be a man of business, acquainted with an Europeau language, and with the procedure of European deliberative bodies, qualities not often found in a Moorish dignitary, so that it might become necessary that the Khalifa should only preside at formal plenary meetings, and that all serious business should be transacted in a committee of the whole Assembly, under the presidency of an European chairman or vice-president. Of the fresh suggestions which I was authorised by you to make, some dealt, I said, merely with the more precise or lucid wording of the text of articles, whilst others represented an effort to meet either by acceptance, or, where this was not possible, by some more acceptable formula, the counter-proposals which had been made to us by Spain. On the language question I pointed out, as desired by you, the difficulty of requiring as a *sine quâ non* from English, Dutch or German candidates for official posts a knowledge of Spanish, which is much rarer in Northern Europe than one of French. Here I found that I had rudely trodden upon a highly sensitive corn. The Marquis declared with great emphasis that the absolute quality of the Spanish and French languages at Tangier was a principle upon which no Spanish Government could consent to compromise. It was to no purpose that I pleaded that we had for years after our occupation of Egypt endured the far greater indignity and practical inconvenience of the total exclusion of English from the list of official languages, for I was answered that the English in Egypt were not, like the Spaniards at Tangier, some two-thirds of the whole Christian population. I accordingly suggested as a possible compromise, which I might submit to you, if his Excellency and the French would accept it, that the candidates might qualify for their actual appointments in either French or Spanish, and undertake to pass somewhat later an examination in the alternative language. I am convinced that we shall have to fall back on some such device if we wish to win Spanish acquiescence. This question is with the Spaniards one of national dignity and *amour propre*, which often carries greater weight with them, as with other southern peoples, than far more practical or material considerations, and is, moreover, one on which I think we can yield without any real inconvenience to ourselves. We can, for instance, as the Marquis of Lema remarked, easily procure from among our Gibraltar subjects, useful candidates well acquainted with Spanish for subordinate municipal offices.

The above is a brief general outline of our conversation with the Spanish Minister of State. I append to it a copy of a note and of a memorandum which, after showing it to M. Geoffray, I am sending in to his Excellency, dealing, rather more succinctly than your own of the 11th March, with the various points treated in the latter.

I have, &c.
ARTHUR H. HARDINGE.

Enclosure 1 in No. 32.

Sir A. Hardinge to the Marquis de Lema.

(No. 24.)
Your Excellency, *Madrid, March 17, 1914.*

WITH reference to the conversation with you, in which I had the honour to take part yesterday, I transmit herewith a memorandum embodying the views taken by His

Majesty's Principal Secretary of State for Foreign Affairs of the various proposals and remarks in your Excellency's note of the 20th January respecting the Administration of Tangier.

Sir Edward Grey has observed that this note does not deal seriatim with all the articles of the draft convention and dahir. It specifically accepts articles 1, 4, 5, 6, 26, 27, and 30 of the convention and articles 8, 14, 18, 31, 35, 38, 64, 76, 85, 93, 102, 111, 120, 121, 122, 125, and 126 of the dahir. Certain modifications are proposed in articles 3, 13, and 28 of the convention and articles 3 (not 37 as the note says—an obvious *lapsus calami*), 4, 21, 92, 118, and 124 of the dahir. Lastly, articles 17 and 25 of the convention and articles 17, 19, 96, 106, 110, and 117 of the dahir are rejected wholly or in part. Sir Edward Grey assumes the tacit assent of His Catholic Majesty's Government to all the provisions not specifically alluded to in your Excellency's note, and the memorandum which I have the honour to enclose is accordingly confined to those articles to which that note takes exception or in regard to which it asks for explanations. I should, however, observe that the counter proposals which it contains do not include any suggestions for the drafting of article 8 of the convention. It had been agreed at the original conferences at San Sebastian that the Spanish Government would submit a draft clause, under which they would renounce their claim to a religious monopoly in Morocco derived from Papal authority, and this clause was to have taken a place in the convention as article 8. The draft of this article, which the French Ambassador handed at our yesterday's conference to your Excellency, will, I believe, meet the views entertained on this subject by His Majesty's Government, to whom I am forwarding it to-day, and, subject to their approval, I am ready to accept its wording.

I have, &c.

ARTHUR H. HARDINGE.

Enclosure 2 in No. 32.

Memorandum.

(A.) *Draft Convention.*

Article 3.—The Spanish Government propose to omit the concluding phrase: "dans les limites de son autonomie, telle qu'elle est définie par la présente convention et le projet de dahir y annexé." These words had been added for the sake of greater precision. It might be argued that they are superfluous, since it is clear that the municipality could not treat directly with the diplomatic or consular agents at Tangier except within the limits of the powers conferred upon it. In any case the words, defining more precisely what was already implied, could not be said to do harm. On the other hand, such greater explicitness would have the advantage of avoiding all possible misunderstanding in the case the treaty Powers who will be asked to accede to the convention, and still more in the case of States who, though not at present represented at Tangier, might contemplate accrediting agents hereafter. It is for these reasons that His Majesty's Government agreed to the phrase being inserted.

Article 13.—The modifications suggested in the concluding paragraph of this article would, if adopted, necessitate some further verbal changes, as there could not be any "disagreement" between the two concessionnaires if one of the two was not consulted. Apart from this, they do not seem entirely to meet the situation, though some slight alteration might be desirable. On this point a fresh verbal exchange of views might lead to a useful result.

As for the proposed substitution of the "municipality" for the "autorité tangéroise qualifiée à cet effet," it may be admitted that the wording of the clause as it stands is somewhat vague, and would allow of an undesirable interpretation. Thus the "competent Tangier authority" might conceivably be construed to mean the Head of the Public Works Department, which would obviously be open to objection. What the framers of the article had in mind was a reference to a judicial authority, and it might perhaps be well to say explicitly who that authority is to be—for instance, the International Tribunal. To allow the revisory power to be exercised by the municipality itself, as the Spanish Government proposes, would, however, lend itself to the criticism that the municipality would decide in its own cause, since it is directly interested in the port but not in the railway.

It has been suggested that the points raised by Spain might be decided by the

Technical Commission, which, by agreement between France, Spain, England, and Germany, is to examine the proposed harbour concession. His Majesty's Government would have no objection to this provided the commission restricted itself to the points here discussed. This suggestion might be usefully considered also in the course of the fresh conversations at Madrid.

Article 17.—The refusal of the Spanish Government to waive their claim to the share of the war indemity secured on the mining dues levied in the Tangier district appears to rest on theoretical rather than practical considerations. For, so far as it is known, there are no mines in the Tangier zone. In these circumstances, His Majesty's Government would regret that the Spanish Government should make a point of maintaining an attitude which renders it more difficult for France to waive the French rights to the Tangier share of her war indemnity, since she is called upon to make actual surrender of an important sum and thus to grant a valuable concession.

Article 18.—His Majesty's Government would be seriously disappointed if Spain were to persist in opposing the arrangement embodied in the second alternative version (right-hand column) of article 18 respecting the allocation of the Tangier customs duties, of which the essence is that France and Spain waive their respective claims to a share in the Tangier customs receipts until the advent of the railway allows of a proper division on the basis of exact statistics. By far the larger share of this temporary sacrifice will be made by the French Government who have agreed to it. His Majesty's Government have difficulty in believing that in these circumstances the Cortes would object to the Spanish Government waiving the comparatively small amount that would fall to their share. France cannot be expected to maintain her valuable concession if Spain refuses to concede her much less important contribution. From the point of view of the financial stability of the new municipality at the moment of its birth, the remission of the sum involved is a material consideration, and as it is to the interest of Spain quite as much as of England and France to give a good start to the young Administration, it is to be hoped that the Spanish Government will, on reconsideration, meet the views of the other two Powers on this point.

As regards the sum of 100,000 duros gold respecting which the Spanish Government ask for an explanation, the figure represents a rough estimate in round numbers which the Madrid Commission adopted as the total amount of customs duties on goods landed at Tangier, but destined for the French and Spanish zones. It was impossible to frame an exact estimate, but the calculation was based on enquiries made at Tangier as to the value of the goods forwarded into the interior.

Article 22.—The Spanish Government ask for more detailed explanations as to the grounds for modifying the certain essential particulars the arrangements originally agreed upon by the Madrid Commission concerning the nationality of the different classes of municipal employés. These grounds were of a practical rather than of a strictly logical character. The difficulties, which have been raised by the French Government and which His Majesty's Government was desirous to meet as far as possible, were mainly that the obligatory mixture of nationalities in each administrative department would be prejudicial to smooth working, and that the nationality rule on a narrow proportional basis would interfere with a regular flow of promotions. His Majesty's Government were disposed to attach less weight to these considerations than the French Government, but thought that the modification of the original scheme eventually recommended to the Spanish Government, whilst disposing of the particular difficulties to which France attributed so much importance, might be made to work satisfactorily in practice. If, however, the Spanish Government should persist in their opposition to this new scheme and still adhere to the text of the original article as provisionally settled at Madrid (article 20 of the Madrid draft) His Majesty's Government on their part would be ready to consider its readoption.

Article 23.—This article stands in the place of article 21 of the first Madrid draft, to which His Majesty's Government raised the objection that it was undesirable to state explicitly in the convention the fact—which implicitly followed from the formula set up in the preceding article—that France, Spain, and England, would divide between them the three principal municipal services. To this objection His Majesty's Government adhere, and they cannot therefore agree to revert to the old article 21. In order to bring the present article 23 into harmony with the system of the Madrid draft, as embodied in the (old) article 20, should it be decided to fall back upon it, it should read as follows:—

"La formule établie, comme il vient d'être dit, déterminera, pour la première répartition de postes, l'ordre dans lequel les Puissances signataires de la présente

convention, ou y ayant adhéré, choisiront, dans chacune des catégories définies à l'article précédent, les emplois à réserver à leurs ressortissants respectifs.

Lorsqu'il y a aura lieu, par la suite, de combler des vacances dans les 2e, 3e, 4e et 5e catégories, l'ordre déterminé pourra ne pas être suivi, si l'intérêt du sevice le conseille. En ce cas, la proportion conventionnelle sera rétablie par équivalence."

Articles 25 *and* 26.—The French Government are opposed to the application of the nationality rule to appointment in the Public Works Department, as long as that Department is maintained on the present basis of a service common to the whole of Morroco, and paid out of the yield of the special customs surtax. When His Majesty's Government agreed, at the instance of the French Government, to a modification of the nationality rule in a sense favourable in practice to French interests, they made it a condition that the rule so modified should also be applied to the Public Works Department. To this view His Majesty's Government adhere. If, however, it be now agreed to revert to the provisions of the Madrid draft as regards the nationality of employés, they will be prepared to assent to the exclusion of the Public Works Department from the operation of the rule, provided it be understood that this exemption will cease it when a strictly municipal Public Works Department is organised to replace the existing arrangement so far as the district of Tangier is concerned.

As regards the allocation of duties and functions to the French and Spanish engineers respectively, the question is one which His Majesty's Government would gladly see settled between the French and Spanish Governments in whatever manner appears acceptable to both. They understand that the French Government is quite ready to meet the Spanish views on this point in a spirit of conciliation, if in the general settlement the Spanish Government on their part will take into account the French desiderata.

Article 28.—It is not understood why the Spanish Government desire to exclude the application of existing arbitration treaties between the powers of disputes concerning the proper interpretation of the new convention. To His Majesty's Government it appears in every way desirable to bring these treaties into operation for this purpose. The Hague Convention of 1907 would only regulate the conditions of an arbitiation if agreed upon by the parties; it does not stipulate that arbitration must take place.

(B.) *Draft Dahir.*

Article 1.—The point raised in regard to this article by the Spanish Government has already been dealt with under the head of article 3 of the draft convention. (See above, paragraph 6.)

Article 3.—This article is closely connected with article 118, and the two must be considered together. In the original Madrid draft, the machinery for the control of native affairs was created and regulated by article 114, which provided for the establishment in each department, if necessary, of a separate native division, presided over by a native official to be chosen by the native electors, subject to the approval of the Committee of Control. This machinery appeared to the British and French Governments, on consideration, to be needlessly and embarrassingly rigid. Accordingly the revised draft dahir lays down in article 3, that the control of native affairs is definitely delegated by the Sultan to the municipality. The desire was to give the municipality a free hand in organising the native Administration. Accordingly article 118 of the new version merely provides that native affairs shall be dealt with by the respective competent departments. It was not intended to exclude, by this provision, the formation of one centralised native department under a specially appointed native official, should the municipality consider such an arrangement desirable. If the present wording of article 118 is thought not to admit of this interpretation, His Majesty's Government are ready to consider an alternative wording so as to make the intention quite clear. On the other hand, all that the new article 3 prescribes is that native officials shall be employed in the service of the native Administration, which is harmony with the general principles of a protectorate. The words "en respectant les formes traditionnelles" were specially chosen in order to leave every possible latitude to the municipality to proceed to any reforms in such way and at such time as might be found desirable.

It has been urged that the clause as it stands might conceivably be construed to imply the maintenance of all existing posts held at present by Moors. This was certainly not intended, and would be obviously undesirable. It might perhaps be

judicious to specify what particular Moorish posts are to be maintained. But it is to be remembered that there is an advantage in not fettering the discretion of the future municipal Government too narrowly. It may well be, for instance, that the centralisation of native affairs, if eventually decided upon, would make it unnecessary to have more than one high Moorish official.

As regards the method of appointing the native officials, it has been previously explained why the French Government attach importance to maintaining, at least in outward appearances, the supreme position of the Sultan as the religious head of the Moorish Mussulman population. His Majesty's Government have been willing to respect that position, as far as this is compatible with the exercise of real control by the municipality. It was for this reason that the nomination by the Khalifa was substituted for election by the native voters in the making of native appointments, on the express condition, embodied in article 3, that the Khalifa's intervention was to be purely nominal, the selection of each candidate being left definitely in the hands of the Committee of Control. It was assumed that the Committee, in making their choice, would be more or less guided by representative opinion among the best native elements. His Majesty's Government would see no objection to some words being added to clause 3, providing that such consultation of native opinion shall be incumbent upon the Committee of Control.

It results from the foregoing observations that His Majesty's Government would prefer not to return to the somewhat inelastic provisions of article 114 of the Madrid draft, which seems the course at present favoured by Spain, but that they will sympathetically consider any improvement that may be suggested in the wording of articles 3 and 18 that would make their intentions more clear and at the same time less objectionable in the eyes of the Spanish Government.

Article 4.—His Majesty's Government have no objection whatever to extending to the Khalifa in the Spanish zone the immunity from customs dues which is to be conferred on the Khalifa at Tangier.

Article 7.—The Spanish objection to the words "pour la défense de son territoire" is not understood. Is it contended that the words are superfluous, as adding nothing material to the sense of the article? If this view were, on consideration, to prevail, His Majesty's Government would not object to the words being suppressed. If on the other hand, the Spanish Government were to hold that the Tangier municipal police should not be employed for the purpose of defending the municipal districts in the case of raids or other disturbances, this is not a view which His Majesty's Government could accept.

Article 10.—The question of the currency is fully covered by article 9 of the draft dahir and article 7 of the draft convention, in the sense that a Shereefian decree on that subject, if applicable to both the French and Spanish zones, shall automatically also apply to Tangier. To include currency in article 10 among the matters which the municipality shall not have power to regulate, except after coming to an understanding with the authorities of the French and Spanish zones, seems at best superfluous, and might easily create confusion and misunderstanding, since it could be interpreted as conferring upon the municipality the very right to be consulted in matters of coinage, which is explicitly denied to it under article 9.

Article 19.—The objection entertained by the Spanish Government to the right of the Khalifa at Tangier to nominate a member of the Municipal Assembly is one with which His Majesty's Government in general sympathise. And yet they have been unable to resist the logic of the French contention that the Sultan should not be made to appear as holding a position inferior to that of the Treaty Powers in the Assembly, when it has been conceded that he should be on an equal footing with them in the committee of control. The French delegate at Madrid originally gave way on this point in the face of strong Spanish and British objections, and agreed to all the four Moorish members being elected. But this concession has been disavowed by the French Government, who have in all their discussions with His Majesty's Government firmly maintained that they cannot allow the diminution of the Sultan's prestige involved in his being deprived of the right to nominate a member, like the other Powers. If it were possible to induce the French Government to come to a compromise on this question, His Majesty's Government would welcome it, but they must ask the Spanish Government to consider whether a failure of the negotiation on this point, and a consequent indefinite prolongation of the existing situation at Tangier, would not be a worse evil than the acceptance of the French demand.

Article 21.—The grounds on which the Spanish Government rest their preference for the system of filling electoral vacancies which was embodied in the Madrid draft

(old article 18) are not fully understood. His Majesty's Government considered at the time that there were strong objections to leaving vacancies unfilled unless and until they numbered three. Such an arrangement might at a critical moment leave disproportionate and undesirable power in the hands of a group not really possessing a majority in the assembly. His Majesty's Government are therefore of opinion that the new version (present article 21) should be retained.

Article 22.—It seems a needlessly cumbrous arrangement that, in cases where a member of the Assembly is declared to have forfeited his seat, an appeal from such decision should lie in the full international tribunal instead of to the Court of Civil appeals. The latter appears to His Majesty's Government by far the more appropriate arrangement. Cases of this kind will, however, always be rare, and if the Spanish Government insists the point can be reconsidered.

Article 37.—Following the course advocated in respect of the cases falling under article 22, the Spanish Government wish to substitute the full International Tribunal for the Court of Civil Appeals in providing for appeals from the decision of the special commission which draws up and revises the electoral lists. Even more than in the cases under article 22, such an arrangement would prove in practice highly inconvenient. The number of questions regarding the electoral lists are almost certain to be as large as they are likely to be in themselves unimportant, and it would present real difficulty as well as be objectionable, to call the full international tribunal together frequently for the decision of points of small intrinsic importance. His Majesty's Government would therefore deprecate the adoption of the Spanish amendment.

Article 92.—The amended wording proposed by the Spanish Government does not appear to introduce any modification of substance. It is not understood why it is preferred. In the opinion of His Majesty's Government the wording which they had submitted is more precise and perspicuous. If, however, the Spanish Government attach importance to the change suggested they are willing to re-examine the question.

Article 96.—His Majesty's Government much regret that the Spanish Government should raise serious objections to the two concluding paragraphs of this article, which allows of the retention of the existing police organisation at Tangier on a strictly provisional basis. The Spanish Government are no doubt aware with how much insistence the French Government for some time urged the entire abandonment of the scheme of organisation described under the numbers (1) and (2) of the present article 96.

It has been generally admitted by most of the foreign representatives at Tangier that at this moment when the native inhabitants settled on the borders of the Tangier district are in armed opposition to the Royal troops' operations in the Spanish zone, it would be practically impossible, without risking the outbreak of serious disorders within the Tangier district itself, to place the extra-urban police under Spanish command. For the Tangier police would in practice become the auxiliaries to the troops in the Spanish zone and the tribesmen could not be expected to distinguish between them. Moreover, the new force which is eventually to replace the existing "tabors" must take some time to organise, and during the inevitable period of transition the young establishment would hardly be in a position to deal effectively with so grave a situation as that at present existing. It is for this reason that the article, as it stands, expressly provides for a gradual transition from the actual to the future conditions.

It may be taken for certain that the municipal authorities, in the natural desire to be masters in their own house, will take the earliest opportunity to terminate the provisional arrangement. The Spanish Government may, however, wish for some more definite guarantee than is offered by the unfettered discretion of the municipal authorities, that so soon as the present abnormal condition in the border districts shall have disappeared, no obstacles will be placed in the way of the definite adoption of the permanent arrangement provided for in article 96. If so, a stipulation could perhaps be added to the effect that the existing organisation, provisionally maintained, will in any case be ended so soon as Spain is in effective occupation of that part of her zone bordering upon the Tangier district, and in a position to assure order and tranquillity in that region.

Article 110.—The Spanish Government take objection to two points: (*a*) the reservation of "droits acquis par les agents actuellement en fonction." Their misgivings on this point are to some extent shared by His Majesty's Government. It is of course only equitable that officials of good character who have rendered valuable services under the existing régime should not be exposed to sudden dismissal if they have a claim to more permanent employment. Moreover, their simultaneous replacement by new candidates might throw the administrative machinery into a state of disorder. It is,

however, only due to the municipality that their hands should not be unnecessarily tied as regards the proper staffing of their Government departments by an unreasonable straining of the claims of vested rights. A formula could probably be devised which would limit the reservation to cases when definite legal rights require to be respected.

The second Spanish objection to article 110 has reference to (*b*) failure to make knowledge of Spanish a necessary qualification for all the municipal employés. His Majesty's Government fully recognise the force of the Spanish contention that, in a place where Spanish is widely spoken by a large proportion of the population, the Spanish language should be placed at least on an equal footing with French. There are, however, other considerations, of practical import, which must be taken into account. It will probably be comparatively easy to find suitable Spanish candidates for posts under the Tangier municipality who know French, and French candidates who know Spanish. But a serious difficulty might arise as regards candidates of British, German, Dutch, or other nationality, if they were required in all cases to be proficient in both Spanish and French. Such a requirement might well have the effect of barring the choice of the best, if not the only competent candidates, whereas any candidate of the right stamp, once appointed could be relied upon with confidence to acquire before long such knowledge of Spanish as will be found necessary for the proper discharge of his duties. For these reasons His Majesty's Government would strongly urge that previous knowledge of Spanish should not be insisted upon as a necessary qualification, although they would see no objection to an arrangement whereby the holders of certain posts should be required to make themselves familiar with Spanish subsequently to their appointment in cases where a knowledge of that language is necessary for the proper performance of the duties attaching to the post.

It is, however, to be observed that the question of the language qualification has only arisen owing to the proposed introduction of a system of competitive examination. His Majesty's Government are not advocating that system as specially suitable to the conditions of Tangier. It formed a corollary to the plan of allowing 50 per cent. of all the employés in each Government department, to be chosen from the nationality of that of the head of such department, and it was designed to obviate the risk of too partial an allocation of posts to a large number of candidates of the same nationality, of whom, for the reason of their number being so large, some might obtain appointments for which a competitive test would have shown them not to be specially fitted. The suggestion has been made in connection with article 22 of the draft convention (see above paragraph 19) that, in order to meet the Spanish objection to the adoption of the 50 per cent. rule of nationality, it might be best to revert to the arrangement originally agreed upon at Madrid. This would involve the disappearance of article 118 of the present draft dahir and the going back to articles 104 to 107 of the Madrid draft. This solution would also entail, among other things the return to the system of "concours sur titres," and the abandonment of the competitive test, and would consequently make it unnecessary to go into the question of languages at all. In that event the present article 111 would presumably be replaced by the old article 186.

Article 117.—The Spanish Government are aware of the considerations which weighed with His Majesty's Government when they assented to the nomination of the cadi and the nadir being made by the Khalifa at Tangier. Such assent was conditional on the Spanish Government's also agreeing. In view of the latter's continued opposition, and of the persistence of the French Government in urging their particular solution of the difficulty, it seems imperative that all parties should make a serious endeavour to reach a working compromise. As already explained in another connection, the main object of the French Government is to uphold the religious prestige of the Sultan by leaving in the hands of his Khalifa, at least nominally, the appointment of the Mussulman religious officers. His Majesty's Government would have preferred a system of simple election by the native voters. The principal objection to the procedure favoured by France is that it makes those Moorish religious officials practically dependent on French good-will, and leaves them exposed to French pressure exercised in virtue of the French control over the Sultan and over his nominee, the Khalifa. It should be possible to avoid that danger and yet to satisfy the French view. To this end it would be necessary to arrange that the Khalifa, whilst retaining the power to appoint the cadi and nadir, should be bound to act in each case in strict accordance with the advice tendered to him authoritatively by those in whom it is desired to vest the real responsibility for the proper selection of the candidate. The French Government seem to object to any system of free native selection, on the ground that they have refused to introduce such a system in their own zone, and that its adoption at Tangier would be calculated to stir up discontent and agitation in the French pro-

tectorate. It might, however, be arranged that the candidate to be appointed should be presented to the Khalifa nominated by the Committee of Control, who would be expected to make their choice to have due regard to the best elements among the Moorish electorate, and that the Khalifa would then be bound to appoint the particular candidate so presented.

Article 118 has already been fully discussed in connection with article 3 of the draft dahir.

Article 124.—The Spanish Government question the necessity of a civil register to be kept by the municipal authorities. Such a register appears, however, a necessary institution, if only having regard to the requirement of the statistical and sanitary services on the one hand, and to the difficulty which might easily arise in the case of foreigners whose State is not represented at Tangier.

It is gathered from the Spanish note that the objections to the establishment of a civil register in principle will not be pressed. It is, however, urged that entries in any municipal register should be made in either the French, the Spanish, or the Arabic language. It is possible that a register, kept in three languages, might give rise to practical difficulties, although the principle could not be objected to. It would, perhaps, be best to leave this point to be decided by the municipality itself, in accordance with what is found to be feasible, and to the best interest of their public services.

A more delicate question is that of the celebration of marriages. There are certain cases of mixed marriages between persons of different nationalities which could not be disposed of by the consular authorities, and for this and other reasons it seems advisable to make some provision for the solemnisation of marriages under municipal regulations. The objection raised by the Spanish Government under this head might be met by stipulating that no marriage should be solemnised which would be contrary to the law of the country of either of the parties. It would also be desirable to make it clear that no interference is contemplated with the marriages of natives which would preferably remain regulated by their religious laws.

Enclosure 3 in No. 32.

Statut de Tanger: Projet de Rédaction pour l'Article 8 (*Exercice des Cultes*).

LES trois Gouvernements contractants et ceux ayant adhéré à la présente convention s'engagent à faire respecter dans la zone internationale la liberté et la pratique extérieure des divers cultes.

Le Gouvernement de Sa Majesté le Roi d'Espagne, en ce qui le concerne, n'opposera pas, nonobstant les privilèges religieux actuellement exercés par le clergé régulier et séculier espagnol, à ce que des églises ou chapelles catholiques existent en zone internationale à l'usage des diverses colonies et soient desservies par des ministres du culte de la nationalité intéressée, ni à ce que les établissements hospitaliers autonomes aient un personnel religieux non espagnol d'aumôniers et d'infirmiers ou d'infirmières.

Enclosure 4 in No. 32.

Article 25 *of Convention* (*Répartition des Services entre l'Ingénieur en chef et l'Ingénieur adjoint*).

LE service des travaux publics de la taxe spéciale est maintenu dans son organisation actuelle pour la durée de la présente convention, et conservera notamment son ingénieur en chef français et son adjoint espagnol, à moins que le régime de la taxe spéciale elle-même ne soit entre temps supprimé.

Pour faciliter le fonctionnement du service, certaines affaires ou catégories de travaux seront déléguées à l'ingénieur adjoint par l'ingénieur en chef.

Cette délégation correspondra à la répartition suivante des services :

Ingénieur en chef.—Toutes les questions se rattachant aux services maritimes, à l'alimentation hydraulique et aux travaux de la ville, au contrôle des exploitations industrielles et des services publics, aux installations terminus de chemin de fer, aux routes.

Ingénieur adjoint.—Toutes les questions se rattachant au chemin de fer (moins les installations terminus), à l'irrigation, aux desséchements et en général aux eaux (moins

l'alimentation hydraulique de la ville), aux mines, aux montagnes, aux forêts, au contrôle des exploitations agricoles.

Cette répartition pourra être complétée en cas d'omission, mais elle ne pourra être modifiée que dans l'intérêt du fonctionnement du service après nécessité reconnue. Dans les deux cas l'addition ou la modification sera prononcée par délibération du Conseil municipal, approuvée par le Comité de Contrôle (les ingénieurs entendus).

Enfin, en application de l'article 18, paragraphe 3, de l'accord franco-espagnol du 27 novembre, 1912, l'ingénieur en chef français et l'adjoint espagnol seront respectivement chargés des affaires ressortissant au Comité spécial de Travaux publics pour les zones française et espagnole.

Le service ainsi existant à Tanger sera payé, jusqu'à concurrence de son coût actuel, qui s'élève à la somme de 225,000 fr. (ou mieux 240,000 fr.), par les trois zones au prorata des produits de la taxe spéciale revenant à chacune d'elles.

Il sera chargé de toutes les questions de travaux publics sans exception intéressant la municipalité. S'il résulte de ces attributions un dépassement de la dépense actuelle ci-dessus spécifiée, le surplus sera à la charge exclusive de la zone internationale; les agents rétribués sur ce surplus entreront seuls en ligne de compte pour l'application des règles fixées pour le recrutement des services municipaux.

[12943] No. 33.

Sir F. Bertie to Sir Edward Grey.—(*Received March* 24.)

(No. 157.)

Sir, *Paris, March* 23, 1914.

WITH reference to my despatch No. 377 of the 11th July last, I have the honour to transmit to you herewith copies of the law of the 16th March, 1914, authorising the Moorish Government to contract a loan for 170,250,000 fr. (6,810,000*l.*).

The Bill, which was laid before the Chamber a year ago, and a copy of which was enclosed in Mr. Carnegie's despatch No. 146 of the 20th March, 1913, proposed that the loan should amount to 230,000,000 fr. (9,200,000*l.*), and the Committee for Foreign Affairs recommended the reduction of that sum to 148,409,132 fr. (5,936,365*l.*), chiefly by eliminating the indemnity of 70,000,000 fr. (2,800,000*l.*) due by Morocco to France under the agreement of the 21st March, 1910. The views of the Committee for Foreign Affairs with regard to this elimination have been supported by Parliament, but certain other items have been increased, thus raising the total of the loan to 6,810,000*l.*

The items of the expenditure of the loan are stated in the law as follows :—

	£
1. Payment of various debts contracted by the Makhzen	1,000,000
2. Indemnities to the victims of the events at Fez, Marrakesh, &c. ..	200,000
3. Construction of the port at Casablanca	2,000,000
4 Roads in Morocco	1,450,000
5. Installation of public services:	
(*a.*) Temporary installation of the residence-general and of the administrative services at Rabat	120,000
(*b.*) Installation of the administrative services in other towns ..	80,000
(*c.*) Installation of judicial and penetential services	80,000
6. Construction and installation of:	
(*a.*) Hospitals, ambulances, &c.	400,000
(*b.*) Schools, colleges, &c.	400,000
(*c.*) Telegraphs and telephones	440,000
7. Primary expenses for:	
Forests	120,000
Irrigation, &c.	80,000
Map-making	20,000
Cadastral work	60,000
8. Subventions to towns for municipal works	300,000
9. Surveys for railways..	20,000
10. Preservation of historical monuments	40,000
Total	6,810,000

In the Bill, as originally proposed by the Government in March 1913 and as amended by the Committee for Foreign Affairs, the rate at which the loan was to be raised was not to exceed 4·5 per cent.; this rate has been raised to 4·6 per cent.; and

by the law the protectorate Government undertake to devote to the service of the loan or to the repayment of the advances made by France 50 per cent. of their gross revenue beyond the amount of 1,000,000*l.*, instead of 800,000*l.* as originally proposed. Further, in accordance with the suggestion of the Committee for Foreign Affairs, the law states that the loan is to be raised in instalments as the money may be required, and each instalment is to be authorised by a presidential decree.

I have, &c.

FRANCIS BERTIE.

Enclosure in No. 33.

Extract from the "Journal officiel" of March 21, 1914.

Loi autorisant le Gouvernement du Protectorat du Maroc à contracter un Emprunt de 170,250,000 *fr. pour Exécution de Travaux publics et Remboursement du Passif Makhzen.*

LE Sénat et la Chambre des Députés ont adopté,

Le Président de la République promulgue la loi dont la teneur suit :

Article 1er. Le Gouvernement du protectorat du Maroc est autorisé à réaliser, par voie d'emprunt et à un taux qui ne pourra excéder 4·6 pour cent amortissement compris, une somme de 170,250,000 fr., remboursable en soixante-quinze années et applicable aux seuls objets ci-après :

	Francs.
1. Payement des dettes contractées par le Makhzen: dettes diverses	25,000,000
2. Indemnités aux victimes des événements de Fez, de Marrakech, &c.	5,000,000
3. Travaux du port de Casablanca	50,000,000
4. Travaux de route au Maroc	36,250,000
5. Installation des services publics:	
(*a.*) Aménagement provisoire de la résidence générale et des services administratifs à Rabat	3,000,000
(*b.*) Installation des services administratifs dans les villes autres que Rabat	2,000,000
(*c.*) Installation des services judiciaires et pénitentiaires ..	2,000,000
6. Construction, aménagement, installation:	
(*a.*) D'hôpitaux, d'ambulances, de dispensaires, de bâtiments divers pour l'assistance médicale	10,000,000
(*b.*) D'écoles, de collèges, de bâtiments divers pour l'instruction publique	10,000,000
(*c.*) De lignes et de postes télégraphiques et téléphoniques, de bureaux postaux ou télégraphiques	11,000,000
7. Premières dépenses nécessitées par la mise en valeur des forêts du Maroc	3,000,000
Irrigations, champs d'essai, desséchement de marais	2,000,000
Exécution de la carte du Maroc	500,000
Premiers travaux d'exécution du cadastre	1,500,000
8. Subventions aux villes du Maroc pour travaux municipaux ..	7,500,000
9. Études de lignes de chemins de fer	500,000
10. Conservation des monuments historiques	1,000,000
Total	170,250,000

Les fonds reconnus disponibles sur les évaluations portées à la présente loi pourront être affectés, par voie de décret rendu sur le rapport du Ministre des Affaires Étrangères, après avis du Ministre des Finances, à l'un quelconque des objets prévus au programme.

Art. 2. L'ouverture des travaux divers désignés à l'article 1er ci-dessus aura lieu, sur la proposition du commissaire-résident général, en vertu d'un décret rendu sur le rapport du Ministre des Affaires Étrangères, après avis du Ministre des Finances.

Art. 3. L'emprunt sera réalisé par fractions successives au fur et à mesure des besoins. La réalisation de chacune de ces tranches sera autorisée par un décret du Président de la république, rendu sur la proposition des Ministres des Affaires Étrangères et des Finances.

La première tranche de l'emprunt ne pourra appliquer qu'une somme de 2,500,000 fr. aux constructions, aménagements et installations d'hôpitaux, d'ambulances, de dispensaires et de bâtiments divers pour l'assistance médicale, et qu'une somme de 4,000,000 de francs aux constructions, aménagements et installations d'écoles, de collèges et de bâtiments divers pour l'instruction publique.

Le rapport à l'appui des décrets autorisant la réalisation des parties successives de l'emprunt fera connaître l'emploi des fonds antérieurs, les noms des parties prenantes, des frais de publicité, l'avancement des travaux, les dépenses restant à effectuer ; et ce rapport devra en outre établir :

1. Que les projets définitifs des travaux à entreprendre et, s'il y a lieu, les projets de contrats relatifs à leur exécution ont été approuvés par le Ministre ;

2. Que l'évaluation des dépenses des nouveaux ouvrages à entreprendre, augmentée de l'évaluation rectifiée des dépenses des ouvrages déjà exécutés ou en cours d'exécution, ne dépasse pas le montant de l'emprunt autorisé par la présente loi.

Ce rapport sera publié au "Journal officiel" de la République française en même temps que le décret autorisant l'ouverture des travaux.

Art. 4. L'annuité nécessaire pour assurer le service des intérêts et de l'amortissement de l'emprunt autorisé par la présente loi sera inscrite obligatoirement au budget général du protectorat marocain ; le payement en sera garanti par le Gouvernement de la République française.

Les versements faits au titre de la garantie constitueront des avances remboursables, non productives d'intérêts.

Le Gouvernement du protectorat devra, aussi longtemps qu'il fera appel à la garantie de l'État français ou lui restera redevable d'avances consenties à ce titre, affecter au service de l'emprunt ou au remboursement desdites avances 50 pour cent au moins de l'excédent de ses recettes brutes de toute nature au delà de 25,000,000 de francs.

Le payement des intérêts et le remboursement des obligations seront effectués à Paris.

Art. 5. Le Ministre des Affaires Étrangères publiera, avant le 1er juillet de chaque année, au "Journal officiel" de la République française, un rapport faisant ressortir la situation au 31 décembre précédent de chacun des travaux imputés sur l'emprunt autorisé par la présente loi. Ce rapport donnera également, pour chacun de ces travaux, l'évaluation rectifiée tenant compte de toutes les circonstances qui, à cette date, auront pu motiver une modification de l'évaluation primitive.

Art. 6. Le Gouvernement français autorise le Gouvernement du protectorat à disposer de l'excédent des revenus affectés au service de l'emprunt de 90,000,000 de francs contracté en vertu de l'accord du 21 mars, 1910, et à différer le versement de l'annuité de 2,740,000 fr. prévue par l'article 4 du même accord pour le remboursement en soixante-quinze années des dépenses militaires ou navales, dont le montant a été arrêté, au 31 décembre, 1909, à la somme de 70,000,000 de francs, jusqu'au moment où le Gouvernement français estimera que l'état des finances chérifiennes permet de commencer le service de cette annuité.

Art. 7. Les actes susceptibles d'enregistrement, auxquels donnera lieu l'exécution des dispositions de la présente loi, seront passibles du droit fixe de 3 fr.

Art. 8. Il sera établi annuellement un budget des fonds d'emprunt du protectorat du Maroc comprenant les recettes et dépenses afférentes à l'emprunt faisant l'objet de la présente loi, ainsi qu'aux emprunts de 1904 et 1910.

Le compte définitif du budget des fonds d'emprunt du protectorat du Maroc sera soumis chaque année à l'approbation des Chambres.

La présente loi, délibérée et adoptée par le Sénat et par la Chambre des Députés, sera exécutée comme loi de l'État.

Fait à Paris, le 16 mars, 1914.

R. POINCARÉ.

Par le Président de la république :
Le Président du Conseil, Ministre des
Affaires Étrangères,
GASTON DOUMERGUE.
Le Ministre des Finances,
J. CAILLAUX.

[12507] No. 34.

Sir Edward Grey to Sir A. Hardinge.

(No. 11.)
(Telegraphic.) *Foreign Office, March* 24, 1914.

YOUR despatch No. 37 of 16th March: Tangier negotiations.

I do not understand M. Geoffray's remark as to reducing number of Moorish elected representatives by one, in return for allowing Khalifa to nominate a member. When accepting principle, insisted on by France, of a Moorish nominated member, we stipulated that number of Moorish elected members, which had previously been fixed at four, should be reduced to three. This is the form in which the scheme is before Spanish Government now. Does M. Geoffray suggest further reduction of elected Moors to two? This would, I am afraid, be likely to entail difficulty as regards number of Jewish members.

I see gravest objections to proposal that Khalifa should become president of Assembly, with or without vote. He is already to be president of Committee of Control. Under article 64 of the dahir, president of Assembly is also chief executive officer of the whole municipal administration. To entrust this post to the Sultan's nominee would place the municipality practically under French authority for good and all.

As regards appointment of cadi and nadir, I have referred to Mr. White General Lyautey's suggestion, reported in your despatch No. 36 of the 14th instant, that those officers might be designated by Moorish notables, and I will telegraph further to your Excellency on receipt of his observations.

New article 25 raises a number of points on which I am also calling for a report from Tangier.

[13461] No. 35.

Sir A. Hardinge to Sir Edward Grey.—(Received March 27.)

(No. 6.)
(Telegraphic.) R. *Madrid, March* 26, 1914.

YOUR telegram No. 11 of 24th March: Tangier negotiations.

French Ambassador's remarks referred to reduction from four, as originally fixed, to three.

[14069] No. 36.

Mr. White to Sir Edward Grey.—(Received March 30.)

(No. 14.)
(Telegraphic.) *En clair.* *Tangier, March* 30, 1914.

ARTICLE 1 of Tangier–Fez Railway Convention, in conceding to railway company the quay lines of Tangier Harbour, provides in last paragraph of article "Les conditions de cette dernière concession, notamment le tracé de voies de quai, seront déterminées ultérieurement par les autorités zonières française et espagnole conjointement, les susdites sociétés entendues," thus entirely ignoring Tangier municipal authorities and the Port Company. This seems to me quite inadmissible, and I would urge insertion of words "et tangeroise" between "espagnole" and "conjointement," and of words "et la compagnie concessionnaire du port" between "sociétés" and "entendues." The convention has been signed by the French and Spanish residents, and is to be submitted at once to the Chambers; therefore matter seems urgent if steps are to be taken.

[14928] No. 37.

Consul MacLeod to Sir Edward Grey.—(Received April 4.)

(No. 2. Confidential.)
Sir, *Fez, March* 12, 1914.

I HAVE the honour to enclose herewith a report on events in the northern area of the French zone in Morocco during 1913.

While it was in preparation I received some information which led me to rewrite much of the report and to extend its scope, until it became something of a study of the French Administration in Morocco so far as I have been able to observe it. This was particularly the case as regards the financial part, and has entailed the report's not being sent at as early a date as I should have wished.

I have, &c.
J. M. MACLEOD.

Enclosure 1 in No. 37.

Report on Events in the Northern Area of the French Zone in Morocco during 1913.

Introduction.

IN my report No. 1 of the 7th March last, I had the honour to give an account of events in this district during 1912, and a description of the French protectorate in the making as far as regards this neighbourhood.

2. The position then was that opposition to the new Administration had ceased in all the areas habitually under the authority of the Moorish Government. As regards the upper structure, a process of construction and absorption, rather than reconstruction and reform of the old system, had begun, was in work, and it would be natural to expect that future developments would be on these lines.

3. During the first six months of the year the various public works in hand, for instance, roads and the military railways, were pushed on with the greatest energy. Simultaneously, the Residence-General grew till, even as early as the 22nd April, it had come to consist of no less than twelve civil departments (including a diplomatic one) staffed by upwards of ninety functionaries, one department, the "Service des Renseignements," semi-military and semi-civil in its duties, with three officers, four military departments with fourteen officers, and to all these there had by the beginning of June come to be added upwards of sixty-four engineers, clerks, typists, officials to conduct the "Bulletin officiel," &c., with salaries ranging from 20,000 fr. (say 800*l.*) a year, for the Secretary-General of the Protectorate, down to 1,800 fr. (say 72*l.*) a year, plus allowances in many cases for high cost of living.

4. The foregoing particulars are gleaned from the "Bulletin officiel," and it will be remembered refer only to the French side of the Central Administration, and leave out of account the native (now of course paid) functionaries of the Central Government and the very numerous foreign officials distributed through the country who work under the Central Administration, nor of the numerous legal functionaries appointed in the autumn. The table annexed hereto will give some idea of the size and functions of the Central French régime which has been created in so short a time. The table gives only the particulars as far as I have been able to ascertain them, and will not be understood to be exhaustive or more than approximate.

5. As to how this system, viewed from within, is working I am unable at this distance and having no relations with those departments, to say from personal knowledge, but one can perhaps estimate them to some extent by, so to speak, their fruits, which are in evidence all around, and which are treated of hereinafter, and by the criticisms to be heard from the officials in the interior who have to do with them.

6. The multiplicity of the departments, the large number of the functionaries, and the great diversity of objects sought to be attained simultaneously and so speedily, naturally suggest certain observations. The staffs, for instance, can hardly have been

selected by General Lyautey personally or even with the care which he holds (or used to hold) indispensable for success to be expected in such new and difficult enterprises.* Then, the variety of work attempted so soon would seem, necessarily, to involve each thing being left more and more to the functionaries, and getting less and less of General Lyautey's own ideas imparted to it.

7. It is not surprising, therefore, to hear from time to time that his attention and influence are being more and more absorbed in solving difficulties really of detail and routine rather than in the inception and infusion into the administration of his own principles of policy, and that he is becoming less and less able to assist the provincial administrators—and the public too—in their difficulties wherein formerly his assistance had been of the greatest value.

8. The result of all this is that the measures promulgated are apt to be somewhat mechanical things, fulfilling the functionaries' conceptions only. The municipalities set up elsewhere than at Fez, and the judiciary system which has been created, afford salient examples of this. Indeed, as to the latter, while, according to the published code itself (No. 46A of the "Bulletin officiel," p. 1), while the initiative and main lines of the judiciary system are attributed to a report, dated the 19th March, 1913, from General Lyautey to the French Government (which latter does not appear to have been published, in the "Bulletin officiel" at any rate), General Lyautey, in opening the new Courts six months later, remarked in an appreciative speech that he had had nothing to do with the matter, his other preoccupations and his not being a lawyer not permitting of his co-operating in any way beyond reading and signing the documents (see "Bulletin officiel" No. 51, p. 423). In this connection it will be noted that so few as six months had sufficed for the preparation of a code of laws the mere setting forth of which required 215 large quarto pages of small print, the organisation of the Courts and the selection and appointment of the judges and lesser officers.

9. Last year I endeavoured to contrast the way the French had set about their task in Morocco with the lines which British action would probably have followed in similar circumstances. It will, I think, be seen that this year has afforded still more notable instances of the disparity then described, the most striking of which is perhaps as to the root principle (held, very particularly, by Lord Cromer) that the art of governing or reforming such countries as Egypt or Morocco is really that of knowing what projects to eliminate from the multitude of beneficent ones suggested, and of not attempting too much.

10. *Military-Medical Assistance of Natives.*—When the head of the Administration does limit himself to a few things, but those of large scope and imbued with his own ideas, rather than attempts many things of a relatively small scope, and which, by their number, are apt to be inspired by his subordinates' ideas more than his own, the results can be excellent when a man of such gifts as General Lyautey happpens to fill that office. A striking example of the former method is afforded by his teaching as to the ways in which pacification of the tribes and the reconciliation of both tribes and townspeople to the new system should be brought about. It is contained in his circular of the 12th August, 1912, to officers commanding regions (an extract of which, together with an extract giving details of the Native Medical Service Organisation, in view of their exceptional interest, I beg to enclose herewith) introducing medical assistance to the tribespeople and commercial relations as adjuncts, or rather as essential elements, to be used towards attaining the ends of the authorities. The disadvantages of the other line will be noticed in the course of this report.

11. It will be observed that the principles and methods in the circular referred to above form a most original and ingenious combination and application of the elements in the means at his disposal towards accomplishing the ends in view. The plan utilises the force and discipline of the army for applying the benevolence of the medical missionary and the wisdom of the political administrator to the attainment of order, peace, health and happiness to the governed. The native makes the acquaintance of modern civilisation by seeing some of its best sides and feeling some of its best effects at once. The very great success which has attended this policy may be gathered from the facts that the consultations amounted to 13,495 for December 1913 alone in the military zones, and 33,188 in the civil zones, besides 13,292 vaccinations. Up till the 31st December, 1913, no fewer than 146,676 "doses" of vaccine were issued. I would call particular attention to these measures, especially as they are of a kind applicable to any part of the world where the problems arising may be somewhat similar to those of the interior of Morocco at present. It is expected that this service will be still further

* Of the pernicious consequences of thisexamples will be seen hereinafter under the headings "Mosque Property" and "Alleged Official Corruption."

developed when (after the Morocco loan is passed) further funds will be available. Even in the meantime it has already been developed into a sort of Native Public Health Supervision Department. For the sake of brevity I do not discuss the other instructions in that circular, which itself gained a certain celebrity at the time as "the centre of attraction and not pole of repulsion" despatch. Its various principles and methods afford one of the best, perhaps the very best, example of the "oil stain" policy with which the whole administrative career of General Lyautey is so particularly associated. As regards this district, at any rate, these instructions were admirably carried out and with conspicuous success. Hereabouts there was only one exception, that of a colonel commanding the Mequinez region about this time last year in the absence of General Dalbiez. In consequence of hostilities held to have been avoidable and of excesses towards the insurgents indulged in by some Senegalese troops under his command this colonel was deprived of his post at once and sent back to France.

12. The dryness of the year, though, of course, of the greatest injury to the country in other respects, had the advantage of facilitating not only those measures above described but also the construction of the various public works, such as the military railways and roads. The progress made in these connections will be seen in a glance at the map hereto annexed,* and are treated of in some detail hereinafter. They may be summarised by saying that only some 40 miles of territory now intervene between the areas controlled from Fez on the west and those controlled at Kasbah Msun (some 20 miles only from Taza) on the east, that the regions to the north as far as the Spanish zone have been quieter than for many years past, while to the south the radius of control now extends some 50 miles or more, say about a quarter of the way from Fez or Mequinez to Tafilelt. In the north-east and east directions, beyond Hiayna, that is to say in the 40 mile strip above alluded to, the agitators Sidi Raho, Buhamara II, and the Shereef Hadjami still remain uncaught, and to them, in the Ghiata district, has now been added another agitator, called Shinguiti (a name rather significant of some connection with Mulai Hiba, of Shinguit) but none of them appear to have gained any dangerous influence. In the meantime there are rumours that the advance to Taza, which will link up Fez and western Morocco with the eastern frontier is again under consideration, a matter in which it is to be feared that many efforts are being made to force General Lyautey's hand. The advantage of proceeding very gradually in that quarter was dwelt upon fully in my report of last year and particularly of letting the tribes of the interior generally have time to settle down undisturbed by the excitements of fighting anywhere in the country, and holds good now more than then. On the other side the economies to be anticipated in the direct means of transport of troops and supplies from Algeria to Western Morocco (which, of course, have to come and go by sea at present) and the impetus to trade of which the opening of this route would hasten the coming appear to be the only considerations which weigh with the officers and functionaries who are pressing for immediate action of a forceful kind.

13. Two general subjects of much importance remain to be noticed. The first is the intense jealousy the "functionaries" display of everyone—native, foreigner, or even fellow-countryman—of the least ability to criticise their proceedings, or, in the case of fellow-countrymen, whose own methods have gained general goodwill. Everything I have seen and heard points to their regarding Fez and Tangier as two black spots in Morocco. A shrewd Moorish observer who had several weeks' intercourse with the protectorate functionaries, recently assured me that there was no more certain way of offending them than by mentioning the goodwill in which General Gouraud and Captain Mellier were held at Fez by all classes. My informant had been warned by his fellow-Moors in the Administration to avoid such remarks, but one reference of that kind chanced to escape him, and raised such a frown on the whole group of French-Rabat officials with whom he was speaking as effectually prevented any repetition of it!

14. The second is the exclusively French-bureaucratic point of view from which everything is regarded. One might have supposed that the point of view taken by the Administration would have been that of the interest of the country as a whole, and that, for instance, the safeguarding of purely French interests would be the function of the French consular service in Morocco. Far from this, the functionaries' aims and methods at Rabat generally seem more like those of the officials of a chartered company than those of the Power entrusted with the administration of Morocco for the interest of all concerned. I am sorry to make so hard an observation as this, but quite apart from what one hears and sees elsewhere the speeches alone of the functionaries on public occasions will, I think, be found sufficient to prove it. Until these aims and methods are

* Not reproduced.

considerably altered it is difficult to anticipate any great political success (as distinct from mere successful exploitation) being in store for France here. Were France a country with an overflowing population and superabundant capital one could, perhaps, have better understood all this. The facts are, however, that, in so far as they are of French nationality, the bulk of the new immigrants into the country come from Tunisia and Algeria only, and to the impoverishment of those two regions, and that capital in France seems to be very scarce. In so far as concerns European developments, a political success can only be, I think, expected according to the success or the failure of the Franco-Moorish Administration in engaging the sympathetic co-operation of foreigners of all kinds, as, for instance, by enfranchising them without—practically—denationalising them—denationalising them at any rate straightaway, and by brusque means.

15. In their talk on Moroccan politics, the French officials never cease to dilate on the unsympathetic attitude of foreigners, indeed (especially as regards the ports) even of foreigners' opposition, and of the interference of foreign Governments. Even admitting such allegations to have some foundation, may it not be asked whether the cause is not, really, the effort made to exclude or Frenchify the foreigner and his interests, and whether, the more the foreigners' aspirations and needs were provided for locally, the less invocation of foreign Governments would there be. To take an example: The municipalities established elsewhere than at Fez are simply nominated local French committees, with a few subservient official and private Moors added for appearance sake. What should be the highest duties of such municipalities are done, or attempted to be done—and, apparently, with very indifferent success, by the Central Administration at Rabat. In explanation of this, the Administration say that it would be illogical to have elected municipalities and to give foreigners votes for and seats in them unless the foreigners beforehand gave up their rights as such, otherwise they would be in the position often of imposing taxes which they could not be forced to pay. To this I have often answered (but I cannot say that it seemed to weigh at all with those addressed) that in practice men do pay taxes when given the chance to vote for them, and that the case of Fez itself proves this. There foreign protégés—who are more tenacious of privileges than foreigners themselves—were, unconditionally, made eligible both as voters and as councillors in the municipality. They forthwith voted taxes payable by all, themselves and their fellow-protégés included, and no Power made any objection whatsoever, save in an instance where the official element of the municipality desired to revive certain imposts the existence of which had itself formerly been a grievance to the whole town and the suppression of which was itself a wise and beneficent reform. (These were taxes on the wages of shoemakers and other artisans, and were of a peculiarly irritating, unintelligent, and unremunerative kind.) The foreigners actually at Fez are still so few as to be of little consequence, but they, too, pay all taxes equally with natives and without loss of self-respect, feeling, as they do, that the foreign protégés in the municipality form a means—albeit indirect—of representation of their interests. Whatever chagrin they may cause the Rabat functionaries from time to time, the results of such methods as are employed at Fez are, I think, obviously of much value to the real interests of France in the country. A notable example of this has just occurred about the mosque property question, detailed under that heading hereinafter, in which a settlement satisfactory to all parties (except, of course, the new functionaries at Rabat) has been made largely by the efforts of the Fez citizens, their municipality, and the support given to them by General Gouraud, Captain Mellier, and other French authorities here. Quite possibly, representations from Tangier may have contributed to a most important degree therein, but the public in the interior do not see that element, and like to think the most of the efforts of the French here and of themselves. Not only that. The concessions obtained in the matter are, naturally, applicable to other places besides Fez and Tangier. Had Fez, however, been in the same position as Mequinez and other towns of the French zone—all of which, with whatever inward bitterness, obsequiously accepted the functionaries' proposals—the present concessions, if got at all, would have been attributed only to foreign resistance at Tangier to the detriment, surely, of France's character for justice and dignity throughout the country.

Finance.

General Financial Policy and Situation.

16. In my report of last year I mentioned that the data for a budget were probably in course of collection at Rabat. This has proved to be so, and the results will be seen

in the *pro formâ* budget enclosed herewith, which is taken from the Supplementary Report of the French Chamber of Deputies' Commission on Foreign Affairs, Protectorates and Colonies, No. 3362 of the Special Session of 1913, M. Maurice Long, reporter. I should like to call particular attention to this document, so strikingly illustrative it is of the light in which all the French concerned regard Morocco affairs, and of the manner in which they treat them, and of the unfortunate circumstance (see last sentence of paragraph 7 herein) that, owing to so many things being attempted at once, the various branches of Administration seem to be falling more and more under the narrowing influences of the respective functionaries and getting less and less of General Lyautey's own attention. What the views and tendencies of the functionaries and their friends in the French Chamber are may be inferred from the following passage in M. Long's report above referred to, in which, when urging the passing of the loan, he says:—

"Que notre action diplomatique de 1902 à 1911 n'ait pas toujours suivi les desseins arrêtés, que depuis trois ans le Maroc nous ait imposé de lourdes charges financières et militaires, cela est certain. Mois à quoi bon perdre notre temps à rechercher ces erreurs, à regretter ces sacrifices? Nous avons poursuivi un but: le protectorat; nous l'avons atteint. La seule chose dont nous soyons sûrs, c'est que nous entendons rester au Maroc. La seule qui importe, donc, c'est de le mettre en valeur."

This and no more being the point of view adopted, it will not be surprising if the budget should—for good or for bad—be found to be in harmony with it. I would submit for consideration the following observations upon it:—

17. *Revenue.*—It will be remembered that a very large part of the taxes paid by the country are collected by the "Service de la Dette" for the Moroccan bond-holders, and that a large part of the expenditure is for interest and charges upon these loans. After deducting the interest and charges the "Service de la Dette" hands the balance to the Administration. It will be noticed, however, that instead of putting down the total paid by the country in this connection on one side of the account, and the corresponding expenditure on the other side, the Administration merely, on the receipts side, takes account of the balance handed to them by the "Service de la Dette." In the same way, no mention whatever is made of the $2\frac{1}{2}$ per cent. special tax on imports, levied under the Act of Algeciras, and which is set aside for public improvements. At first sight this may all seem to come to the same thing, to be merely a difference of manner of figuring, but so far as I have been able to judge, it really portrays the limitations of the functionaries' concern in the matter, and thereby is apt to lead to grave misconceptions and perhaps, dangerous errors of policy. In 1912 the French authorities left out of account in their Moorish army reforms the Moorish soldier, with the saddest of results. Examination of their present financial proposals leads one to wonder whether the taxpayer is not, perhaps, being forgotten in the same way.

18. *The "Tertib."*—This sum was originally estimated as 191,443*l.*, but has been reduced to 116,667*l.* on account of the unusually poor harvest.

19. *Market Dues*, 43,365*l.*—These are still being appropriated by the protectorate chest instead of going into local funds, notably for the paying of salaries to the rural Governors and their subordinates. The receipts from the towns and provinces ought also to include amounts of fines for offences against the State, confiscations and the like. Those native officials are still dependent upon fines, "presents" or bribes, and extortions for their remuneration.

20. *Anchorage Dues.*—These have always been in the past considered as part of the Central Government's revenue, but, since the Administration is now in course of reformation, it might have been expected that they be included, as also the cost of the services which they entail in each port's local revenue. This, however, raises a question of general policy, namely, the great hesitation displayed by the new regime as to giving powers to local bodies, and the centralising of everything possible at Rabat.

21. *Eastern Morocco.*—The receipts under this heading, 71,236*l.* balance exactly with the ordinary expenses thereunder. No explanation is offered of this, so, presumably, the situation is that the Central Government treats the eastern provinces practically as a separate administration, and that the latter's only requirements will be for aids towards carrying out improvements.

Total yield, 678,363*l.*, as against 760,000*l.* forecasted. The deficit is due almost wholly to the poor harvest. (See "Tertib.")

22. *Future Additional Sources of Revenue.*—No estimates are offered of the various amounts to be expected from additional sources of revenue; even of those which

are open to the Administration to draw upon; indeed the arrangements preparatory to the collection of the latter are only now in progress. They include:—

(*a.*) Increases out of mortgaged revenues;
(*b.*) The urban tax (on rents of houses, &c.);
(*c.*) Stamp duties on documents, &c.;
(*d.*) Duties on transfer of real estate, 3 to 4 per cent. (It will be remembered that the Act of Algeciras, article 65 (*b*) limits this tax to 2 per cent. maximum);
(*e.*) A proportion of the unearned increment element in the value of real estate. (This the Act of Algeciras does not provide for at all);
(*f.*) On alcoholic liquors and on non-alcoholic liquors. The amounts are not stated and they are not specifically provided for in the Act of Algeciras and, to come under that Act at all, it would seem that article 64 would need to be invoked ("Creation of taxes on certain trades, industries and professions"), but in that case the taxes would have to be exclusively municipal and would, therefore, not come into the State revenue at all. On the other hand their existence might relieve the State of some of the charges it contemplates incurring.
(*g.*) Sugar. An impost ("Droit de Consommation") in addition to the present import duties. Rate and possible yield not named. This is not provided for at all under the Act of Algeciras, but it must, in fairness, be noticed that, in choosing an article of most general consumption for further taxation they should select one so pre-eminently affecting French trade in this country as sugar. The competition in this article is very keen between French, German, Belgian, Dutch and other sugars, and it would seem not impossible that arragements might be made subsequently in France—as by a bounty on sugar shipped to Morocco—which would practically annul, as far as regards French sugar, the effect of the proposed additional tax on it in Morocco.
(*h.*) Profits from services created or extended by means of the new loan. Amount not estimated. Posts and telegraphs, and the like, come under this heading. To the gaining of revenue from what may be called services paid for by the persons who benefit by them there would seem no objection to offer.

23. Taking the revenue side of the Budget altogether, it will, I think, be seen, that the sources of revenue—particularly of those which, in the form of certain kinds of public services, might be profitable to the Administration without loss to the taxpayers—have not been studied at all exhaustively. In view of such a list, can the French authorities be said—so to speak—really to have "taken stock" at all of Morocco, in the way, for instance, that a commercial firm would do when taking over another business? Surely this must be done thoroughly before the expenses and the loans necessary for the carrying on of the business can prudently be drawn up and incurred? And, still more, one would think, must this be the case when the business is one which, as even its most enthusiastic promoters admit, must for a considerable time be carried on at a loss.

24. *Real Total Receipts.*—Unfortunately, I do not possess the statistics to show the customs receipts and other revenues collected by the "Service de la Dette" and which the Budget leaves out of account. For the purposes of discussion they may, however, be computed roughly as follows:—

	£	£
Annual charges of loans of 1904 and 1910, collected by the "Service de la Dette" and the Morocco State Bank		305,535
Surplus receipts handed by the above to the protectorate chest ..		216,666
Extra import duty under Act of Algeciras, 2½ per cent., "Caisse spéciale," say		92,500
		614,701
Other receipts, as shown in *pro formâ* budget, *i.e.*, 678,363*l.* minus 216,666*l.*		461,697
		1,076,398
Deduct post and telegraphs receipts ..	54,817	
And anchorage dues	120,000	
		174,817
Total really paid by French zone taxpayers		901,581

(It will be seen that the amounts of the debt charges plus the balances handed to the protectorate are assumed to be equivalent approximately to the revenue the loan services have collected. The 2½ per cent. for the "Caisse spéciale" is computed on the

imports at the ports of the French Zone for 1912.* Inasmuch as the anchorage dues are a charge, largely, upon merchandise carried by vessels and thus are added to the prices of the goods bought by the public they should, perhaps, be regarded as an indirect tax. However, I have reckoned them as a charge upon freight earned, and which comes from the foreign shipowner and not the French Zone taxpayer.)

25. *Expenditure.*—

	£
The total expenditure as given in the *pro formâ* budget is	1,111,853
To this, however, should be added the interest and charges for existing loans	305,535
Making	1,417,388
In 1914 and onwards there will be in addition the interests and charges for the new loan, say	305,600
Total	1,722,988

To this total might, perhaps, be added the sums paid from the "Caisse spéciale" for improvements, the figures of which I do not possess. They may be assumed, however, not to exceed the receipt from that source, and which have been herein already computed roughly at 74,000*l.*

26. *High Cost of Form of Government adopted for French Zone.* Putting aside the expenses for Eastern Morocco (71,236*l.*) and for public works of various sorts, *i.e.*, the total of chapters 7 and 9 and item III in the *pro formâ* Budget (466,788*l.*) it will be noticed that the remaining expenditure is for the cost of Executive Admistration. At a glance will be seen therefrom the financial burden which the adoption for Morocco of the Tunis form of protectorate has imposed upon the country. Instead of one Administration, gradually reformed and strengthened as fast only as the means of the country could afford, there are really two Administrations to be maintained; the one the Moorish, purely "decorative," costing 199,733*l.* and the other, the "practical," costing 374,106*l.*, in all 573,839*l.*, an amount equal to more than half the total receipts. An English critic may perhaps be allowed to ask what would be the financial state of Egypt to-day had those methods been adopted there.

27. *Future Financing. The Indebtedness of Morocco to France.*—The deficit (433,489*l.*) is provided for out of certain reserve funds connected with the loan—or advance—which the French Government made to Morocco for the French military expenses up to the 31st October, 1910. These were paid by France at the time, but France agreed to let repayment of them, and of interest and charges upon them, stand over meanwhile, on the condition that certain Morocco revenues would be chargeable with them in future. This arrangement (so far as I understand it) amounts to a sort of open credit by France to Morocco, and from which Morocco deficits will be made up. The payments made therefrom, taken together with the French military expenses from the 31st October, 1910, onwards—which are all being paid by France alone—make up the total sum of which France is out of pocket for Morocco. The details will be seen in the statement annexed hereto (Enclosure 6, "Indebtedness of Morocco, French Zone, to France"), and to which I would call attention. It will be observed that they already amount to no less than 17,000,000*l.*, that they are increasing at the rate of about 5,000,000*l.* a year, and that the annual charges accruing upon the loans made by France herself to provide for those expenses amount already to fully 757,600*l.* These facts, I think, can hardly fail to create apprehensions on the part of other Powers interested in Morocco. In view of the danger that France may, perhaps before very long—especially in view of the increasing difficulties of her own finance—begin to demand "compensations" in the form of preferential tariffs in Morocco or similar economic privileges. The point of view of many of the French officials one meets here and the French deputies visiting the country—including M. Maurice Long and M. Messimy, whom I have myself heard discoursing on these subjects—is most remarkable. Of France's position as the "mandataire" of Europe in Morocco they seem now to have quite lost sight, and it is clear that they regard her rather as the "propriétaire," and foreigners and foreign interests as, so to speak, the "encumbrances on the estate." In fairness, however, I would mention the arguments they urge in favour of a policy of speedy construction rather than than of slow re-construction, and which may be summarised as follows:—

(*a.*) That the military occupation, on its present footing, imposes a great burden upon France, and that this can best be got rid of by the country being as soon as

* For statistics, see Enclosures Nos. 12 and 13.

possible, even at considerable present extra cost, brought into its future normal state of peaceful development.

(*b.*) That the nature of the Moors of the French zone, so far as effectually occupied, is such that, once disarmed and organised, they will very quickly fall into industrious modes of life.

(*c.*) That only by the rapid creation of proper means of communications, particularly from Algeria, can the cost of the military occupation on its present footing be speedily diminished and the organisation of the country facilitated.

(*d.*) That once the areas formerly in regular submission to authority be organised, equipped with roads, and so forth, fewer soldiers will be required—indeed, almost none there—and the troops will be able to occupy the areas still untouched.

28. Into the merits or demerits of these ideas it would be beyond the limits of this report to go exhaustively, the more so that they are considerations of so general a nature, and so much depends upon the manner in which they would be carried out and the propensities of those engaged in that work. One circumstance may, however, be noted, namely, that so far there has not been a single case of any tribe or town "organised" on General Lyautey's method having subsequently revolted. The same invariable success, I have always heard, attended his efforts to similar ends on the Algerian frontier before he came to Morocco.

29. *The New Loan.*—The sum asked for by the Administration was 12,000,000*l.*, which, however, the Parliamentary Commissions reduced to 6,810,000*l.* Part of that reduction, a sum of 320,000*l.*, was occasioned by the Commission's refusal to provide establishments at Rabat such as would have fixed Rabat as the capital of the French zone. A controversy is still in progress as to whether Rabat or Fez should be the seat of the protectorate Administration, at least, of the French side of it. Into the merits on either side of this contention I do not propose to enter in detail. (On pp. 7 to 18 of the Parliamentary Commissions' report (No. 3362) already cited, the arguments are dealt with exhaustively). There are undoubtedly weighty considerations on both sides. As regards Rabat its convenience for the first two or three years is obvious, but Fez, it is urged, will be certainly the more suitable place thereafter. The arrangement come to is that the Administration will remain at Rabat in the meantime, and the question be left open. For Fez itself this is fortunate. If it does come to be the capital eventually it will do so by degrees and with proper planning beforehand, and thus be spared the disfigurements which have befallen other places, Rabat in particular, by too rapid an inrush of Europeans. One unfortunate element in the controversy is the passionate, personal, antipathy which the leading functionaries have against Fez.

30. *Objects to which the Loan of* 1914 *will be Applied.*—

	£
1. Payment of debts contracted by the Makhzen	1,000,000
2. Indemnites to victims of occurrences at Fez, Marrakesh, &c. ..	200,000
3. Casablanca port works	2,000,000
4. Roads in Morocco (construction of)	1,450,000
5. Installation of public services—	
(*a.*) Temporary setting up of Residence-General and administrative services at Rabat	120,000
(*b.*) Installation of administrative services in the other towns of Morocco	80,000
(*c.*) Installation of judiciary (court of appeal is deferred) and penitentiary services..	80,000
6. Construction, fitting out, and installation of—	
(*a.*) Hospitals, ambulances, dispensaries, and various buildings for medical assistance	400,000
(*b.*) Schools, colleges, and various buildings for public instruction.	400,000
(*c.*) Telephone and telegraph poles and lines, and post and telegraphic offices	440,000
7. Primary expenses necessitated by the improvement of forests in Morocco	120,000
(*a.*) Irrigation, experimental lands, draining of marshes.. ..	80,000
(*b.*) Drawing up of Ordnance map of Morocco	20,000
(*c.*) Primary labours in connection with registration of lands ..	60,000
8. Subvention to the towns of Morocco for municipal works	300,000
9. Studies *re* railways	20,000
10. Preservation of historical monuments.	40,000
Total	6,810,000

31. With any of these objects themselves it would be difficult to find fault; the first two are indeed indispensable. The other items, the questions of policy which

they raise having been already discussed, do not seem to call for detailed criticism. Whether the 2,000,000*l.* for the Casablanca Port works is a national or merely a local necessity may be open to question, as is indeed the point as to whether a proper port is feasible there at all. The remaining items, it will be noticed, have this excellent feature; that the sums expended will be spent over the French zone as a whole; that is to say, that all the populations who will eventually pay for them will share in their benefits. From that point of view they are in strong contrast, for instance, to the 2½ per cent. special tax on imports collected for the "Caisse spéciale" under the Act of Algeciras. To the extent of, perhaps, four-fifths or so this is really paid by the consumers in the interior, and their contribution (this tax has now been collected these seven years) probably amounts to 74,000*l.* a year, but the whole of it is kept for the use of the ports and their immediate environs. Even indirectly, the interior populations have not benefited, for it has cost more and more, and has taken longer year by year to bring goods from the ship's deck to the warehouse in the interior than before.

32. *Rural Finance (Fez District.)*—In regard to rural finance things have remained as they were, except that in the last three months of the year a start was made with the administration of the "Tertib" tax.

33. *The "Tertib."*—It will be remembered that, as regards foreigners and foreign protégés, this tax is collected through the respective consulates. Being a year of exceptionally bad crops, owing to the scantiness of rain, the time was unfortunate for the initiation of this reform. Moreover, owing to the late start, no evaluation was made as to crops while they were still growing, and the estimates of these have been (in the case of non-protégés) left to the kaïds and their soldiers to a very large extent, instead of being made by more intelligent people chosen for their fitness. A good deal of dissatisfaction, with much of which the French authorities sympathise, arose, especially at first, but, so far as I have been able to learn, every effort is being made, and with success, to allay this. The French officers who supervise the "Tertib" were instructed very carefully by General Gouraud, towards the end of October, that they should be easy-going, and that the main object this year was to get the "Tertib" into work as smoothly as possible. One point to which I would call attention is the usefulness to the authorities themselves of this heavy and novel tax being not only paid by foreigners and protégés but through their consulates. The natives, of course, know perfectly well that the French could not, of their own will, have imposed that tax on foreigners, and that the latter are paying it because their Governments consider it just, and the natives therefore pay it without any sense of its being an imposition on them by the French, to which, under happier circumstances, they would not have had to submit. As regards the "Tertib" regulations themselves, the only item on which there is general dissatisfaction is the important one of olives. In this case the tax is not on the crop but on the number of fruit-bearing trees, and has apparently been taken from the rate charged in Tunis, where, however, the trees are of a much better quality and yield crops both more abundant and of a superior kind of olive to that grown hereabouts. So much is the tax here out of proportion to the crop that one hears of cases quite frequently wherein it would pay the owner best to cut the trees down, a great calamity when one remembers how extremely slowly the olive tree grows. However, the authorities as much as anyone appear to be realising the justness of this complaint and will doubtless get it satisfied.

34. *Mode of paying Rural Native Functionaries.*—The native functionaries have still no fixed salaries, their emoluments depending on the amounts paid to them by way of fines and so forth. This has been due to the lack of funds on the part of the protectorate authorities, and will doubtless be amended in course of time. In the meanwhile, according to common report, the kaïds and other country officials are, on the whole, less rapacious than formerly, which is no doubt due to the supervision to which they are now liable and, even more, to their being no longer subject to squeezings from the Central Government.

35. *Town Finances.*—These will be treated of hereinafter under the heading of "Municipalities."

36. *Posts and Telegraphs.*—As regards posts the principal event of the year was the amalgamation of the French post office with the Shereefian postal service established in the previous year and which included the telegraph administration. The Shereefian post, whilst very good in point of "scheduled" speed, gave rise to numberless complaints of delays, particularly in the delivery of letters. Its administration must, besides, have been extremely expensive and the amalgamation now effected must be of considerable economy. It has, also, the obvious advantage of affording a service which is within the postal union, and thus no extra postage is payable on letters, &c,

for abroad. The new service also undertakes the carriage of parcels to the interior on its account and in connection with other post offices. In the telegraph service the most important improvement in progress is the linking up of the area between Arbowa (the most northerly point of French occupation) and Arzila, through the Spanish zone. This part of the service was very important, inasmuch as all the "wire" messages from the coast, as well as from the interior, had to go through it, and the telegrams were carried by an hourly service of couriers, taking ten hours at least to make the connection. The laying of the line through the Spanish zone, is now, however, reported to be nearly complete. As to the foreign post offices, the one which appears to be the most energetic in competing with the Franco-Shereefian service is the German one. The German post office has always made an important feature of the remitting of money in the native coinage, which no other service would do until lately (however obviously useful it was to the public) when the Franco-Shereefian post has begun to do this business also. The German post (alone of the foreign posts) has opened an agency at Kenitra in view of the trade now arising at that port.

Trade and Agriculture.

37. *Dearth: Poor Crops.*—The year has been of the most unsatisfactory kind as regards both trade and agriculture. In the earlier months especially the district suffered from the restrictions which the military measures then in progress entailed as regards traffic with the tribes to the south, south-east and south-west. Later, the scanty rains were followed by a very poor harvest to the further impoverishment of traders and their customers, and during the last three months of 1913 the insufficiency of the rainfall caused the greatest fears for this year's crops. The dearth and scarcity which, naturally, have followed have been of almost unexampled severity. Foodstuffs both of man and beast rose to about four times normal prices of recent years. Bread for instance, reached a figure equal to what would be 1*s.* 6*d.* (instead of, say, 6*d.*) for the quatern loaf at home. Happily at the very end of December and again during January heavy rains fell and thus the prospects for 1914 have been considerably improved. Meanwhile, however, much poverty and distress are prevalent and a relief fund is in course of subscription under the auspices of the French and Moorish authorities, foreign consuls and principal inhabitants. No payments have yet been made for losses suffered by the troubles of 1911 and 1912 and this, especially in the case of the Jewish community, so utterly ruined by the pillaging of their quarter in April 1912, has, of course, aggravated the distress and badness of trade. In this matter I should like to repeat and confirm with increased emphasis what I wrote last year (see paragraph 7 (3) in my report of the 7th March, 1913). The peculiar and direct responsibility of the French Government for what occurred to those people in April 1912, and the all important fact that the very pillaging that ruined them was itself one of the chief elements which conduced to saving many French and other foreign lives at that time, would, one would have supposed, have ensured their receiving grateful consideration at the hands of the French Government. The very reverse, however, has happened. Only towards the end of the year under review, that is to say eighteen months after the events, has a commission been appointed to look into and estimate these claims seriously, and in the meantime not a penny has been advanced towards enabling the sufferers to resume their businesses to any extent. The only assistance they have had so far has been from the relief funds of sympathisers. The attitude of the French Government, so far as I can gather from the rabbis who went to Paris in the course of the year to ask for redress to their fellow Jews, is that France is no wise responsible to them, and that any sum France might give could only be by way of charity, and, if given, would be held to be a complete discharge of the Jewish claims. The line the French Government have taken is a most unpleasing contrast to the solicitude they displayed for the Jews of this country in former times when their goodwill was of use towards advancing France's political interests in Morocco.

38. In every part of the less wild areas of the French zone the authorities were most active in promoting farming, &c., by means of agricultural shows, cattle and horse shows, &c., and the like, principally for the natives. Stallions owned by the State have been imported, and are lent for the improvement of the native breeds of horses; under the guidance of an advisory committee at Rabat on the breeding of animals. In addition to this committee a veterinary supervision service was created. For the present it is composed of certain of the military veterinary surgeons connected with the various military posts throughout the country much on the lines of the medical assistance

afforded to the natives themselves with the addition that the veterinary service also has duties of observation as to diseases of animals, especially epidemics, all work the usefulness of which speaks for itself.

39. *Afforestation.*—It would be difficult to imagine a region presenting greater need of attention to forestry than the northern areas of the French zone in Morocco. In the peaceful districts the timber trees have, these many centuries, almost disappeared. In the wilder districts, on and approaching to the Atlas Range, the remains of great forests still exist, thanks to the comparative scantiness of the population, and the supplying of wood to the interior towns has always been one of the principal trades of the Berber tribes. No control was ever exercised, the methods of cutting the trees, &c., were of the rudest, the waste was enormous, and, of course, nobody troubled about planting trees to replace those cut down. Now the extension of the French area of occupation is beginning to bring the nearest of those forests into the possibility of control. A commission has been appointed, has declared the forests State property, and has made a series of regulations which, while admirable in abstract principle, appear to be meeting little popular appreciation anywhere. The Berbers understand the doctrine of the State owning those trees only in the sense of "to the victors the spoils."

40. The traffic of the local inhabitants in wood, hitherto a chief source of their income, being severely restricted, diminishes their ability to buy other articles, and, most particularly, deprives the towns of the interior of their only source of supply of wood for building purposes and the like. Such wood has for long become almost prohibitively dear at Fez, and now the suggestions for reform of the trade include a tax to be levied on the still smaller quantities which are to be allowed to come. The public remark that the regulations have left out of view the public needs, and had regard only to those of the Administration, who can get foreign wood by means of the military railway from the coast. Doubtless, however, some solution of the difficulty will be found which will at once have the effect of preserving the forests, and yet of letting the public as well as the authorities have supplies of timber.

41. One direction to which the authorities might do very useful service is in regard to wood for fuel, a very dear commodity in the interior. The present price of fuel wood is about 6*s.* the cwt., a rate which, if maintained in the future, should surely make it profitable to grow certain kinds of rough woods for this purpose, especially for conversion into charcoal, the price of which is about 12*s.* the cwt. on an average.

42. *Cotton growing.*—In this highly important direction a number of experiments have been in progress throughout the year under review, the results of which go to show that even in regions as far north as those of Fez there would seem to be a possibility of growing cotton profitably, particularly if a quick-growing variety can be created. There appears to be plenty of water for the necessary irrigation, but the heat of the climate is not always of sufficiently long duration for the complete maturing of the crop. The attention of the Commercial Intelligence Branch of the Board of Trade has been called to this matter, the interest of which to British trade seems so obvious as to call for no further remark herein.

43. *Petroleum.*—During the year a small party of surveyors made a minute examination of the Tselfats-Hejowa district on behalf of a British company. The work lasted about six months, and I understand the results went to confirm fully the existence of important deposits of petroleum in this area. Possibly further surveying will be made towards verifying the existence of other such deposits, but as these latter are in tribes living in lands adjacent to the Spanish zone and still unsafe for Europeans, it is uncertain when this will commence.

44. *Native Rural Provident and Mutual Aid Society.*—In the "Bulletin officiel," No. 44, of the 20th August, 1913, of which the respective extract is annexed hereto, there is given the model for the constituting and management of societies of this kind, which are composed wholly of natives, but whose proceedings, for the fullest security of those interested, are subject to the inspection of the officer commanding the region or, if it be a district not under the military government, of the civil controller. The scheme set out is one which has been in work for some time in Southern Algeria, where it is said to have been very successful. A society of this kind has just been established at the military post called "Petitjean," in Sherarda, in the Mequinez Military Region, and the institution of similar societies in various areas of the Fez Military Region is under study by Captain de Mas Latrie, head of the "Service des Renseignements" tribal section, who has had experience of such societies in Algeria. I should explain that the treasurer and the secretary, their duties involving considerable work, are paid for their

services, but the other officers, their duties being more of a consultative kind, are not remunerated. The scheme provides for the granting of loans—at the rate of 5 per cent. per annum—in kind or in money to approved members, in suitable cases, to enable them to develop their holdings and improve their livestock and implements, and also for mutual insurance against the accidents incidental to agriculture and for providing seed in bad seasons. Such societies ought to be of great benefit to the country people in preventing their having recourse to usurers in bad seasons, and it will be interesting to watch how it works.

45. *Real Estate.*—It will be remembered that one of the earliest measures of the new Administration was the issue of a decree placing certain restrictions upon the use for building purposes of lands adjoining towns, for instance, forbidding the erection of buildings within 250 metres from the outside of the town walls. As there never had been any buildings at Fez or Mequinez close outside the town walls, and few, if any, such sites were owned by Europeans, the measure occasioned much less dissatisfaction in the interior than it appears to have met on the coast.

46. While, naturally, prices of real estate have risen considerably in the interior, indeed, have often doubled or trebled themselves, there has been relatively little speculation in land, as compared with the coast places. The latter presented much greater attraction for speculation in view of the greater facilities which exist for the sale and transfer of reality, and, still more, perhaps, to the measures taken by the authorities in the interior, who have availed to the uttermost of the powers left to the Moorish Government of obstruction the transfer of real estate of any kind.

47. The position usually taken up is that of what often appears extreme and dilatory care that the rights of the Moorish Government or of the mosque are not being endangered. At other times the reason given for delay is that the land is required for public purposes, which not unfrequently turns out to mean that the local authorities have thought that it might be so required, and so correspondence must be opened up with the Central Administration at Rabat. As to the effects of this attitude, up till now there would seem to be a good deal to say on both sides. On the one hand, building has been discouraged, resulting in much increase of rents and overcrowding in several quarters, particularly the Jewish quarter. On the other hand, much Government and mosque property has undoubtedly been preserved to the public thereby and many disfigurements of the amenities of the towns have been averted. The delays now being suffered by proprietors, moreover, are affording time for so arranging matters that the extensions which must come will be planned in the best way as regards public convenience, health, scenic amenity, and the like. The general principles professed by the French authorities are that there must be no avoidable destruction of the "native cities," and that further developments should be by building new towns or new quarters outside the present ones. Curiously enough, this policy is most disliked by the natives themselves. They contend that it is equivalent to their exclusion from much of the prosperity of the future, inasmuch as the native cities—amongst other reasons, because of their absurdly narrow streets—will be useless for the trade of the future, and, if instead of being altered to suit the new traffic, the present cities be left alone and new quarters created, the present town properties, which form a considerable part of the assets of the mercantile classes, will fall dangerously in value.

48. Whatever may be the value of the foregoing considerations on either side, obviously so very apt to be self-interested, it is an uncontestable fact that, hitherto, Fez, and I believe Mequinez also, have escaped the fates of Casablanca and Rabat, where the permitting of violent hasty changes has brought about such inconvenience, confusion, clamour, dirt, insanitary and unsightly conditions as will take many years of time and great expenditure of money to repair.

49. *Alleged Official Corruption.*—Unfortunately, with the motives above-mentioned for the official attitude over real estate at Fez and Mequinez, one hears occasionally of others less respectable, in plain language, of corruption amongst the new French officials connected with such duties. Happily, so far, there are only two cases, the one here and the other at Mequinez, of this description. The officials in question are said to facilitate sales of properties if suitably "gratified." If only a fraction of the stories current in these connections be true those two functionaries can hardly fail to go too far and, before very long, to give place to more honest men. Such practices are, of course, exceedingly difficult to prove against the person accused of them, but according to what I hear, as regards the one at Fez at any rate, such a *dossier* is being collected, in French official quarters themselves, as will be very hard for him to repel when once it is launched against him. It will not be inferred, I hope, that I in any wise mean to suggest that such corruption is characteristic of French administration in these parts.

Far the contrary. With the exception of the above two, one hears the European-French of the new régime spoken of in the highest terms on every side.

50. *Mosque Property.*—Throughout the whole country and, of course, particularly in the towns, much real estate is owned by the mosques, and the administrations of it has always been one of the functions of the Sultan. With such property may be included charitable Foundations of various kinds. In no direction were maladministration and corruption more rife nor of such long standing. Though really rich the mosque never was in funds. Probably it was never allowed to be in funds. People with interest in official quarters could always get leases of such property on their own terms. Many such properties were, as regards permission to occupy them and use them, granted to shereefs or other favoured persons. The commonest case, however, was that of persons who leased dilapidated property at its ground rent value with the condition that they might improve it, build upon it and so forth, and would not be asked to leave unless the mosque repaid the sums expended for additions and improvements. This right of occupancy, commonly known as the "key," was transferable and the "key" was often sold for a very large sum when the property had become a lucrative one. Such "keys" still form quite a large part of the assets of many merchants, shopkeepers, keepers of caravanserais and others engaged in trades of all kinds.

51. Contrary to our policy in Egypt, where purification of the Mosque Property Administration has only been begun very recently and after some thirty years of foreign occupation, this reform was one of the earliest tackled by the authorities at Rabat. I have had no opportunity of studying what occurred at other places, but what happened at Fez was as follows. I should explain that one of the strongest reasons urged for taking this matter up at once was the necessity of putting a stop to the alienation of mosque properties, which in the last days of the old régime had been practised with a depth of corruption and on a scale beyond all experience. I should explain, further, that mosque property is in principle inalienable. It cannot be sold but it can be exchanged, so, what more easy than to arrange a transaction by which the mosque, as owner of a property of small present value (bringing in, for instance, little rent, but certain to be of high value very soon) for a property somewhere else whose present rent might be even a little higher but which could be had cheaply as not being likely to rise in value?

52. A Native Supervising Commission (in its turn, of course, under French supervision) was appointed to oversee the pre-existing officials. Their first proceedings met with little disfavour, indeed the masses of the public highly approved of them. The properties owned by the mosques and charitable Foundations were inventoried. Occupiers who had been living in them rent free or on merely nominal terms were warned that they must pay more in future. The rents were properly collected and the balance—not so big a balance as was anticipated, for so many officials, have to be paid—is becoming available for its legitimate purposes.

53. The next proceedings, however, met with, indeed are still meeting, a very different reception. In August orders came from Rabat that in future the holders of "keys" were to pay rents on what may, briefly, be called a "modern" footing. The supervisers were directed to valuate the sites and to fix rents which would be fair returns on the values so estimated. This proposal evoked a perfect storm of opposition. The "keyholders" urged that from time immemorial it had been unheard of to raise such site-rents beyond, from time to time, adjusting the relative value of the ancient coinage in which the grant was made with the coinage now current, that the "keys" had been bought for great sums and formed a substantial part of many traders' assets which would be wholly or partly lost to them if the site-rents were increased as proposed. Protests, including remonstrances from the Moslem municipality, were sent to Rabat, and in response further investigation was promised. The Rabat authorities, as the result of this enquiry, obtained an "opinion" from certain Moslem jurists, alleged by the keyholders to be mere parasites of the Administration, that the mosque had the "legal" right to charge whatever rents it chose on such holdings. On learning of this further protests arose and, just a few weeks ago, a public subscription was raised by "keyholders" and their sympathisers—over 250*l.* being collected and promises given of as much more as may be needed—to defray the expenses of a deputation "to Rabat or to Paris or to The Hague" (!!) to repel the authorities' proposal. The deputation is now at Rabat and appears to be getting at least a patient and courteous hearing. They contest the "legal" right of the mosque to raise these rents and in addition say that Islamic law itself recognises as inviolable rights, such as theirs, which have been unquestioned and admitted by common custom from time immemorial.

Indirectly foreigners are interested in the matter, inasmuch as it touches the stability of many merchants who have been given credits by firms in Europe on the reputation for wealth which the possession of such holdings gave to their owners. All round, it is difficult to avoid concluding that in this matter the zeal of the Rabat authorities has gone both too fast and too far and it is to be hoped that some equitable solution of the dispute will be found.

Public Works.

54. *Railways.*—In railways, as in roads also, the rate of construction fell away a great deal during the last few months of 1913, due perhaps to scarcity of funds. In the course of the year the military railway was completed from Kenitra to Dar-bel-Amri, and from Kenitra to Sallee. From Rabat to Sallee the connection is to be made by a train-ferry which is still in construction. The Dar-bel-Amri to Mequinez section, which presents much greater (though not at all serious) engineering difficulties, has taken much longer to make than the other sections. The line being available even as far Dar-bel-Amri, *i.e.*, to within 33 miles from Mequinez and 60 miles from Fez, has been a great facility to the Administration. Though only of narrow gauge, and running no more than 8 miles an hour or so, and with a very limited rolling-stock, it could easily carry 300 tons a day a distance of 40 miles (in one direction), which it would have taken 1,000 camels three days to transport the same distance. The last quarter of the Dar-bel-Amri–Mequinez section is now almost complete, and it should be working, at any rate, by the beginning of March 1914.* As yet, no part of the Mequinez–Fez section has been begun.

55. The military railway from Oujdah was brought across the River Moulouya, and should now be up to, or very close to, Kasbah Msun.

56. Though these railways are not allowed to be used for commercial purposes, they have certainly several commercial consequences. At each of their stations small hotels, shops, &c., spring up, the people who keep them develop relations with the natives around, and, in cases where the ground is fertile, for instance, around Dar-bel-Amri, one hears of the newcomers beginning to acquire lands and farms in a small way. At Kenitra some 1,200 Europeans, naturally French mostly, as a rule from the western provinces of Algeria, have already settled. According to reports current at Fez, quite a considerable influx of such colonists is expected to come to Taza and Fez as soon as the railway from the east reaches those points.

57. *Roads.*—Whatever the results of the general drought which prevailed in 1913 were in other respects, they had at least the effect of enabling the construction of roads to progress very rapidly in the first half of the year. By "construction" is meant no more, as a rule, than the making of the pre-existing tracks fit for rough wheel traffic. Such as they are, however, these roads have permitted of the introduction of passenger motor-cars running between Fez and Mequinez (on which road there is a horse diligence daily service also) and from Fez and Mequinez to Rabat viâ Dar-bel-Amri and Kenitra. (See paragraph 60 hereinafter.)

58. Most unfortunately, the roads are largely used by huge two-wheeled waggons —the wheels very high, and having narrow steel tyres—and the waggons carrying 2 or 3, or even more, tons weight. These waggons do enormous injury to the newly made roads, the wheels cutting them like ploughshares, after rain especially. Regulations have been issued lately, however, totally prohibiting the passage of such waggons within ten days after any heavy fall of rain, or whenever the authorities think fit, in any particular case, to suspend such traffic. The main defects in the roads observable so far are the want of sufficient ballast, due to the scarcity of stones in the respective districts, and, very particularly, the want of rolling. The map which accompanies this report† shows the progress made so far in regard to roads, so I need not enter into the details any further than to say that the works were simply continuations of the roads begun in 1912, except the totally new one made from Fez to the new military post established at Sok-el-Arba-Tissa, in Hiayna, about 25 miles north-east of Fez. This latter road, besides its military value as being an approach to the eastern provinces, has already been of great usefulness in the encouragement of trade with the districts through which it passes, which, formerly, in bad weather were amongst the most impassible in the country.

* *Note*, 12/3/1914.—Though laid is still not working beyond point 9 miles from Mequinez.—J. M. M.

† Not reproduced.

59. Here below I give lists of the roads made in this district up to the end of 1913, and of those in project for 1914 and future years :—

Roads constructed up to December 31, 1913.

(*a.*) Kenitra–Fez, by Sebou valley (viâ Lalla–Itto and Sidi Gueddar to Sidi Kassem, *i.e.*, Petitjean) and Zagota.
(*b.*) Lalla–Itto–Mequinez, viâ Dar-bel-Amri.
(*c.*) Kenitra–Sok-el-Arba, Gharb.
(*d.*) Sidi Gueddar–Sok-el-Arba, Gharb.
(*e.*) Sok-el-Arba, Gharb–Arbowa.
(*f.*) Fez–Sok-el-Arba, Tissa, Hianya.
(*g.*) Fez–Sefrou and Anoceur.
(*h.*) Mequinez-Kasbah-el-Hajeb and Tabadout.

Roads in Project for 1914 *and onwards.*

(*a.*) Kenitra–Fez (to avoid detour viâ Dar-bel-Amri) ; 106 miles.
(*b.*) Lalla–Itto–Mequinez ; 50 miles.
(*c.*) Kenitra–Sok-el-Arba, Gharb, and Arbowa ; 56 miles.
(*d.*) Sidi Gueddar–Sok-el-Arba, Gharb ; 30 miles.

60. *Motor Traffic.*—The possibilities opening out for motor traffic were mentioned in my report of last year. Thus far only passenger traffic has been catered for in these parts, and that has been done by foreigners only and by foreign motors. As yet these efforts have not been very successful. The rates charged, which vary from 1*s.* to 1*s.* 3*d.* per mile per passenger, are very high ; practically no luggage is allowed to the passengers, who are thus caused much inconvenience on reaching their destination, and, though there has been only one fatal accident as yet, breakdowns are extremely common. This state of things is attributable to the excessive speed which is attempted and to the old and inferior quality of the vehicles. It is certainly the fact that breakdowns are comparatively rare amongst the military motors used by generals and other high officers in their rounds, and which are of good quality and carefully driven. However, when no breakdown occurs, the run from Fez to Rabat, 127 miles, is frequently made between dawn and sunset of one day, and which, travelling caravan fashion, would take five days at least. The "record" run made was 8 hours, 41 minutes.

61. *Proposed Anglo-Moorish Motor Transport Company.*—Of late years transport of goods from the coast has become increasingly costly and irregular as well. Contrary to what has happened in Southern Morocco, no effort was made to introduce motor transport of goods. Since November last, however, in consequence of information disseminated by this consulate, the project of a sort of Anglo-Moorish transport company has been in course of study. The Moors of Fez have offered to find some 8,000*l.*, or even more if required, of the capital necessary if allowed a proportionate share in the management, and, according to the latest news received here, some 18,000*l.* to 20,000*l.* is likely to be found in the United Kingdom. The project is to form a company, which will run both passenger and goods motors to and from Fez, Mequinez, and the coast, or to other points in this district where it may seem profitable to do so. If established, the port to which such a service would run is expected to be Kenitra.

62. *Kenitra.*—Two years ago the Moorish Government opened the port of Mehediya, at the mouth of the River Sebou, to commerce. When the French authorities examined the matter it was seen, however, that a place called Kenitra, situated about 9 miles up the river, afforded a far better situation for a port. Kenitra then consisted merely of a large Moorish kasbah, the guard post of that region, through which lay the main track from Rabat and the south to Fez and Mequinez, and a few huts, all close to the river. To that point practically all the port services of Mehediya were transferred, and it became the landing place for the material for the military railway and many of the military supplies for Rabat, Fez, and Mequinez, and so well did it work that no less than 6,000 tons a month were sometimes unloaded and forwarded from it. As soon as the railway was extended south to Sallee, Kenitra ceased to be the base of the railway, and last August it was placed under "civil" control. So rapidly has the place grown that by the end of 1913 there was no fewer than 1,200 Europeans living there, in addition of course, to a greatly increased native population.

63. The advantages claimed for Kenitra as compared with other Moorish ports, especially Laraiche and Rabat, are—

(1.) The many miles of anchorage and river-quay-frontage space available.

(2.) The fact that vessels can load and discharge in smooth water, unaffected by the weather, every day of the year and within a few yards of the shore.

(3.) That, although no deepening of the bar or the river channel has been done, navigation is regularly practicable for vessels drawing up to 3·00 metres, say 10 ft. 2 in., of water (for a short time, at high tide, even 18 inches more is generally available, though not to be depended upon), and measuring 2,200 tons.

(4.) Its being upwards of 15 miles nearer to Fez, *i.e.*, 95 instead of 110, and Mequinez than is Laraiche; and

(5.) That the bar is much more frequently practicable than are the bars of either Laraiche or Rabat. Although longer, the bar channel is less shifty and has not the very sharp turns of the bars at Laraiche and Rabat.

As regards the "navigable days" there is some conflict of evidence. The commandant at Kenitra told me in June last that their experience had been that the Mehediya bar (for Kenitra) was practicable for steamers three out of every four days all the year round. The "Bulletin officiel" gives the practicable days as 200 for the year, which, of course, implies the possibility of sequences of impracticable days.

64. Further advantages presented by Mehediya are the facts of the Sebou being navigable for eight months of the year by barges carrying 35 tons weight as far as Megroun—about 60 miles from Fez—and for 3¼ miles further, and the rich agricultural possibilities of the provinces through which that part of the Sebou flows. It is pretty certain to be the port of disembarkation for a very large proportion of the material which will be required for the Tangier–Fez Railway. At the end of the year the French firm of Mazzella and Co., steamship owners and land transport carriers, established a twice-a-month steamer service for Marseilles and Tangier, to which is in course of arrangement a land transport service from Kenitra to Fez by mule waggons. Besides this line, three other bi-monthly services are imminent—from Antwerp and north French ports, from Marseilles and Spain, from Algiers and Oran, besides a line in contemplation from Rouen.

65. That Kenitra is likely to prove a formidable rival to Laraiche in the near future seems self-evident. What effect it will have on Tangier itself—after the port there is made and the railway in work thence to Fez—is more conjectural of course, but two broad considerations appear on both sides of that question. In favour of Kenitra there will be saving of some 75 miles railway haulage (Tangier to Fez 170 miles, as against Kenitra to Fez 95 miles) on the one hand and the cheaper rates of freight to Tangier than to Kenitra on the other. The second consideration is as to cost and convenience. Tangier is 130 miles or so nearer Europe, but on the other hand the charges incidental to the landing, handling, and forwarding of goods will probably always be less at Kenitra than at Tangier, owing to Kenitra's greater advantages in the way of cheaply creating quay frontage, stores, &c., cheapness of land, and the like. Government land was sold by auction to settlers at as little as 1 fr. the square metre. There is a third consideration, that as to which port will take the less time and money to improve, but into that, in the absence as yet of any engineer's estimates as to the possibility and the cost of making Kenitra approachable by steamers as large as those calling at Tangier, it is not possible to go.

66. All these considerations, it will be noticed, deal with the ports in question as they may be in future when improved. Assuming, however, which is quite likely in view of France's financial difficulties—the difficulty for instance of progressing with the port of Casablanca—and, apart from possibile engineering difficulties, that Kenitra remains for some years, or permanently, unapproachable by large steamers, there remains the problem as to which of the following routes would be the cheapest for the foreign and local trade of the Fez district:—

	Miles.
(1.) Tangier to Fez by railway .. .. .. (at least) ..	170
(2.) Tangier, by transhipment into small steamer, to Kenitra	130
Kenitra to Fez by motor traction	95
Total	225
(3.) Tangier to Kenitra, as above	130
Kenitra to Megroun by barges	130
Megroun to Fez, motor traction	60
Total	320

67. The Tangier–Fez Railway might therefore find a very serious competitor in any strong company which undertook this transport trade. No international arrangements stand in its way, and it could be begun at any time, whereas the Tangier–Fez Railway will, necessarily, take two or three years at least to make. From its nature and the fact that we are interested to the extent of about a half in the foreign trade of Fez district, and that, on the other hand, our only part in the Tangier–Fez Railway consists of our share of the section which passes through the Tangier zone, which section equals only 8 per cent. of the whole line, it occurs to me to suggest whether such an enterprise would not be worth the attention of British capitalists, especially those connected with shipping and motor traction. Another means of taking advantage of such an opening would be an arrangement between existing British steamship companies trading with Morocco ports and such a motor transport company as the one now in project. I should, perhaps, apologise for, in a report such as this, going into this matter at such length, which I have been moved to do in view of the importance of the matter being taken up, if at all, as soon as possible, while as yet foreign attention in such matters is chiefly preoccupied with Casablanca.

68. *Electric Power Station for Fez.*—So far as I have heard, this scheme has made no progress during the year, due apparently to the opposition to it which arose. By assistance of Commandant Campini, head of the Italian Technical (formerly Military) Mission, Sid Taib Mokri (Mulai Hafid's Minister of Finance) had set up an installation sufficient to light his own house and the neighbouring quarter, and capable of further extension. This quarter is the one where most of the French and other foreign officials are established. Sid Taib produced a "concession" from Mulai Hafid authorising him to make and sell electric light for two years. This light was, and is still, being used in various French official buildings. The validity of Sid Taib's concession is, I understand, still in debate, and the question is complicated by some contentions of the Italian Military Mission that such lighting is a field of enterprise long ago assigned to Italy by the Sultan Mulai Hassan in connection with the Italian Military Mission and the Arsenal, created about 1890, and worked by that mission at Fez.

69. A curious point has been mentioned in this matter by Commandant Campini in private talk with me, namely, that if the French and Italian Governments include this affair in a mutual exchange of such rights in Morocco and Tripoli, the French may, as assignees of Italy, become themselves the owners of Italy's electric lighting "rights," thus placing this field of enterprise at Fez and other Moorish Royal cities outside the Act of Algeciras, and therefore outside non-French competition.

70. In the talk over electric lighting, &c., for Fez I have heard it remarked that the Sebou Gorges, some 18 miles east of Fez, would provide water power for a far larger power station, one capable of supplying all imaginable future needs, than could be got by using the Fez River. So far, however, no survey has been made of the River Sebou at those gorges, so the possibility referred to is only conjectural as yet. The Mokri-Campini combination get a good deal of their supplies from England, which the other concern probably would not do to any degree it could help, so the former would seem to be the one of more interest to us.

71. *Mequinez Electric Lighting, &c., Project.*—There is some talk of establishing a power station by using the waterfalls at Kasbah-el-Hajeb, in Beni Mtir, some 18 miles south-east of Mequinez, but no practical steps have been taken as yet.

72. *Land Drainage Scheme for Fez.*—To the west of Fez, to the south side of the river, there is a marsh some 2½ miles long by three-quarters of a mile broad. It is a source of ill-health by the mosquitos it raises. During the latter years of Mulai Abdelaziz's reign some engineers in his employment projected draining it, but doing so would then have been impossible financially. At the suggestion of Dr. Verdon and myself, Mulai Abdelaziz agreed to plant groves of eucalyptus trees there, which it was hoped would mitigate the evil. At a cost of some 600*l.* an eucalyptus nursery was planted in one of the adjoining parks of the Palace. Presently a large number of camels were commandeered for military transport purposes, and Hadj Omar Tazzi (then Acting Minister of War) had them impounded in the eucalyptus nursery, where they instantly ate up all the plants! Nothing more was done. Now, however, both for reasons of public health and also in view of the value the land would have if reclaimed, the French authorities propose to have it drained, and 20,000*l.* have been provided out of the new loan for that object.

73. *Arts, Antiquities, &c., Service.*—In November 1912 a Department was created for the preservation of historical monuments, works of art, and the like, and 40,000*l.* have now been provided for it out of the new loan. The duties of this service include also

the giving of advice as to town planning, and so forth, especially towards preserving old buildings, protecting the amenities of places from disfigurement, and ensuring that new buildings—public and others—shall be of an aspect harmonious with their Moorish environment. M. Tranchant de Lunel is the head of this service. His advice and designs will, I feel sure, be of great value wherever used. At Fez one specimen of his work is already in existence, a Moorish gateway by which the official quarter of Fez is entered from the west, and which was much needed for prevention of traffic congestion, and which has, most justly, excited general admiration. It is favoured in that way by being only 300 yards distant, and in view of another new gate built by Mulai Hafid, and which is an eyesore to the neighbourhood; the kind of gate one might expect at a Spanish-American Cathedral or Plaza, with recesses for statutes of saints or eminent local persons.

74. *Moorish Archives.*—Whether in connection with the foregoing service I do not know, but during the year under review the Comte de Castries, the eminent Arabist, has been engaged in studies towards the reconstitution of ancient Moorish archives. In the same way, Professor Slousch has been occupied investigating the ancient history of the Morocco Jews, especially those of the interior, including the Jews living in the atlas. His report has recently been published.

Education.

75. It may be useful to describe the condition of things prevalent as regards education before the present Administration was established.

76. *Moorish Native Education.*—Of Moslem modern schools until very recent years there were none whatever. Such education consisted exclusively of the primary instruction given in villages or at town schools ("mçid" the equivalent of the Egyptian "kuttab") by the local writer of letters or in towns by men of similar small attainments, and who depended for their remuneration upon the gifts brought by their pupils. Reading, writing, a little simple arithmetic, and the Koran alone were taught. For further instruction the student had to repair to Fez where schools, or rather colleges, existed connected with the various Mosque foundations. There Arabic grammar, the Koran, Moslem law theology, some logic and arithmetic, some grotesquely misleading geography and astronomy (this latter of the most archaic kind and mixed up with astrology) were taught. The only serious part of such education was that connected with Moslem law, religion, &c., and, thereby, the Arabic language. Corruption and decay characterised everything relating to Moslem education, and to these, by the cessation of gifts from the Sultan as the Moorish Government became more and more impecunious, has latterly been added the acute poverty of most of the teachers, the so-called "ulema." The amelioration of this state of things has been under study for some months, and, at any rate, as regards the colleges it may be expected that they will be placed on a better footing before very long.

77. *Foreign childrens' Education.*—Where they were sufficiently numerous the education of the children of foreigners was provided for by schools maintained by the nationalists interested, through their Government, as in the case of the French, or through the Roman Catholic Church as in the case of the Spaniards. In many cases there was no provision at all for children of other nationalities, and these, consequently, had recourse to the French, Spanish, or Jewish schools. Of such foreign schools there were none in the interior of the country. As regards the foreign non-French schools, these are still carried on. I do not possess any details, but their numbers, and that of the scholars attending them are, in the French zone, so small as to be of little general importance.

78. *Jewish Education.*—Both at the ports and in the interior towns the education of the Jews has been attended to for many years by various Jewish associations in Europe, notably the Alliance Israelite of Paris, and the Anglo-Jewish Association of London. These schools continue to do excellent work, and (hereabouts, at any rate) now receive aid from protectorate funds.

79. *Public Education.*—Over and above the obvious usefulness of affording some modern education for Moorish natives, the requirements of the fast growing European colonies, mostly of the poorest classes, and the bulk of them of French nationality, albeit, of non-French descent (for instance, immigrants of Spanish origin from Algeria) made the provision of schools for their children of immediate necessity. When the protectorate Administration was formed it included, therefore, Education Departments —both on the Moorish and French sides of the Government—and the French department took over the schools previously maintained by the French Government.

The supreme supervision of all education was vested in a committee consisting of certain of the highest officials of the French side of the Administration. Unfortunately, I do not possess figures enabling me to state with precision how many schools of all kinds and scholars were thus transferred. The totals at the end of 1913 were, however, no less than sixty-eight schools with 5,605 scholars, half or, perhaps, two-thirds of such schools having been created in the course of the year. At the end of 1913 they were composed as follows:—

	Number of Scholars.
6 secondary schools (French and other European scholars)	2,704
27 French primary schools, including four kindergartens	2,773
30 Franco-Arab primary schools for boys	2,773
3 Franco-Arab schools for girls (domestic duties only taught)	66
2 French schools for Senegalese boys and girls (children of Senegalese soldiers)	62
68 schools. Total scholars	5,605

80. For further statistics I would refer to the extract from the "Bulletin officiel" (No. 64 of the 16th January, 1913, p. 39 annexed hereto). It will be noticed that even in cases where so few as twenty-nine European scholars were available, a school has in several instances been provided, that the Franco-Arab schools are being opened not only in towns but in many country districts, that a beginning has been made in Moslem female education, that to some of the schools for Moorish boys a Moslem religious class has been attached (thus obviating the pupil's having to go to another place for his religious instruction), and in some others technical instruction is also given, that the training of pupil teachers has not been overlooked, and that a military school open to all (though intended for French military and civil officers) has been established at Rabat for advanced tuition in Arabic and for the teaching of the Berber dialects of Morocco.

81. I have had no opportunity for hearing about the working of the secondary or of the French primary schools, there being none such as Fez. As regards the Franco-Arab schools, however, I would observe that here, a year ago, there was only one of them with about 100 scholars, and there are now four such schools with 324 scholars, and as soon as teachers and school premises can be provided some 300 scholars now on the lists awaiting admission will be added thereto. By the end of this year the total pupils at Fez will thus be over 600. The contrast between this and the results at Mequinez—only 33 miles off—is most striking. Making allowances for the differences of the respective populations, both in numbers and in class, the Mequinez school should have had about 150 scholars drawn from many kinds of people (as they are at Fez), whereas they only number thirty, and are children of the Moorish dependents of the Administration. In neither case is education compulsory. This remarkable disparity is, I suspect, due to the different methods of administration obtaining—at Mequinez all dictation and subservience, at Fez persuasion and agreement.

82. At the Franco-Arab schools the instruction is in Arabic, and the learning of French is optional. In practice, however, the pupils appear almost always to take advantage of the French classes.

83. The teaching of French is paid for by the protectorate. The Arabic tuition, rents, books, and stationery, are paid for by the municipality. The teachers are appointed by the protectorate, and are lodged in the school premises.*

84. *Teaching of English at Fez.*—About half of the foreign trade of Fez is with the United Kingdom. In addition there is a certain amount of trade with Egypt, and both these trades are carried on almost wholly by Moslem merchants, many of whom have houses of their own in Manchester. In view of these facts provision has already been made for English to be taught at the Fez-Jewish school. With respect to those, three of the Moslem municipal schools to whose pupils English would be useful, General Lyautey replied to me in the sense that if the details could be arranged as to the cost and as to the selection of the teachers, he would give careful consideration to a proposal in the matter. Since then some thirty merchants have given me a written undertaking to themselves provide 600 dollars a year for three years towards the salary of an English master who would teach in turn daily at each of the three schools in question. A favourable opportunity is now being awaited for putting this proposal before General Lyautey, the fullest details having been meanwhile reported to His Majesty's Foreign Office.

* Secondary Franco-Arab school for Fez. Such a school is now in project.

85. *The Moorish Pupil.*—In former years I have often heard French military instructors here comment upon the superior natural intelligence and aptitude of the Moorish recruit as compared with the recruit of Algeria or Tunisia. Those of our British missionaries who have worked in other parts of North Africa used to speak in the same sense of the Moors with whom they had to do. Similar remarks are now made by the French here engaged in the tuition of both the juvenile and the adult Moor, and who dwell, in particular, on his being so much less fanatical than his co-religionist of Algeria or Tunisia. The attitude displayed all round about the schools seems, I think, to present another and most encouraging instance of this, and thereby to lead one to expect excellent results from the efforts now being made in regard to education.

86. *Principles of Education Policy.*—I have not happened to hear or see any authoritative exposition of the principles which the protectorate Administration proposes to follow in regard to education. In so far, however, as can be discerned from their acts, necessarily very rudimentary thus far, it will be noticed that it does not seem to be intended to make French the only medium of instruction, at any rate as regards the primary education of the Moors. On such lines as appear to have been adopted so far, a rise in the general level of Arabic education as well as developments of French education may, I think, reasonably be expected throughout the country. While, as between the French and the Moors, the policy adopted presents few or no difficulties, the same may not be the case as between the French and the various colonies of other Europeans. The latter, as contributing to the cost of public education, may perhaps expect facilities similar to those enjoyed by the children of French parents, that is to say, of being educated in such wise as to retain their own language, nationality, and all the connections these imply. Meanwhile one cannot but admire the intense energy, the skill and the liberality with which the subject of education had been, and will doubtless continue to be, treated by the new Administration. In the new loan no less than 400,000*l.*—about 6 per cent. of the total sum borrowed—had been set aside for purposes of this kind, and everything points to a continuance of the remarkable success already attained.

Interior.

87. *Public Security.*—The Moorish way of obtaining public security, that is to say by means of executive from Sultan down to village Sheikh, and on the principle of the collective responsibility of tribe, town, village, or group of inhabitants, as the case may be, for any untoward event, is so familiar, and its inadequateness and abuses so notorious as hardly to call for detailed description.

88. The system, however, is so deeply associated with the habits and traditions of the country as to make its immediate reform a matter of much difficulty and risk. In this connection, therefore, all that has been attempted thus far has been the strengthening of the executive by the presence of the French troops in the country and the establishment of a police force modelled on that of Algeria, for the towns. This force is mainly occupied with the European new-comers and the enforcement of the various local regulations enacted since the occupation, and is in close relation with the criminal jurisdiction of the new French Courts. (See remarks hereinafter under heading of "Justice.")

89. I mentioned last year (see paragraphs 63 to 70 of my report No. 1 of the 7th March) that nothing beyond the limiting of the local Moorish officials' had been introduced and, very particularly, the latter had not been afforded any guidance, as by lists classifying offences and specifying proper punishments. These omissions still continue, but I understand that the subject is not likely to remain much longer unattended to by the protectorate Administration.

90. *Public Order.*—No returns (hereabouts, at any rate), have been made up—or even ordered—of offences against public order. In the towns of Fez and Mequinez public order continued excellent. In the country, especially close to Fez, during the summer months, there were many complaints of highway robberies and a few murders connected therewith.

91. The measures—notably the prohibiting of travelling in the night time and the obligation to camp only at the recognised resting places—led to a cessation of these crimes. Of the murders, the most notable were those of two carters—one an Italian, and the other a Maltese—who were killed by some Zemmour tribesmen a few miles north-west of Mequinez under circumstances which showed the act to be largely political in motive. The criminals have been caught, and are to be dealt with by the Sultan, acting on advice of the Resident-General, and not by the French Courts.

92. *Foreign Colonies.*—The drastic purging undergone by the new European colonies in 1912 and the coming of the police force have had excellent results. With the exception of the French, the colonies, notably the Spanish one, are now somewhat smaller, but this is well-balanced by their increase in respectability.

93. The following, according to a census taken on the 18th November, 1913, were their numbers for Fez :—

Nationality.	Males.	Females.	Totals.
French	240	130	370
Spanish	31	16	47
Italians	33	12	45
British	4	7	11
Germans	5	3	8
Turks	5	2	7
Swiss	2	2	4
Russians	2	1	3
Sundry	5	..	5
Algerian Moslems	54	9	63
Totals	381	182	563

For Mequinez the figures were :—

French	320
Italian	29
Spanish	70
British	6
American	7
Greek	27
Swiss	40
Algerian Moslems	40
Floating population	30
Total	532

as against a total of forty or so only, in middle of 1912.

[*Note.*—All the above figures are exclusive of Moors enjoying foreign nationality (*e.g.*, from being born outside Morocco), and are inclusive of civilians only.]

94. *Drink Traffic.*—Under the old state of things in Morocco, while the Europeans remained so few, and were resident almost wholly at the ports, the control of the drink traffic was a matter of comparatively little importance, but at the same time of considerable difficulty owing to the number and variety of jurisdictions to which the Europeans were subject.

95. The influx of large numbers of Europeans, especially of many thousands of foreign soldiers into the country—even into the far interior—has now raised the additional problem of the prevention of the alcohol habit being acquired by the Moslem inhabitants, hitherto by religion and habits, almost immune from it. In addition, the want of supervision gave increased facilities for the consumption of alcoholic liquors by the tooops, the evils of which as regards their health and discipline need not be enlarged upon.

96. General Lyautey took up this subject with the greatest energy, and edits were issued in the Sultan's names subjecting the selling of alcoholic liquors to sharp restrictions both as to the location of the establishments and by imposing police supervision, requiring licences from the police, limiting hours, and so forth. How far these measures have been concurred in as regards non-French foreigners elsewhere than at Fez and Mequinez I do not know. Hereabouts, however, they have met with no opposition from foreign consulates. Even when the latter did not adopt similar regulations for themselves they invariably acted in such wise as to ensure that the persons concerned (they were very few) under their respective jurisdictions complied with the Administration's requirements. Such difficulties as the French authorities have experienced have been (hereabouts) on the part of their own French people, who (exception made of Jews under protectorate jurisdiction) are the persons chiefly interested.

97. The steps taken here have included—and with notable success—the total prohibition of the keeping of wholesale and retail liquor establishments in the Moorish

quarters of the city towards possible catering for Moslems, the severe taxing, licensing and supervision of the traffic in the Jewish quarter, the total prohibition of retailing of liquor elsewhere than in licensed premises and so forth—all under sharp penalties. Similar measures were introduced as regards the manufacture of alcohol locally. In all the regulations I have seen there is, however, one very important omission. There appears to be no clause specifically forbidding the sale of alcohol to Moslems. It would not appear, for instance, to be an offence for a Moslem to send a Jew to a liquor establishment and bring him a quantity of liquor. All that is prevented is the employment of a Moslem intermediary, and to this end Moslems are forbidden to enter liquor establishments, and sellers to supply them.

98. A curious feature of the question is that in regard to what might be an effective means of dealing with it, namely, by a heavy import due, the authorities are debarred by a difficulty created to some extent by the French Government itself. The latter, in 1892, obtained a reduction of the import due on spirits, &c., from 10 per cent. to 5 per cent. *ad valorem*, which, of course, was enjoyable by all other Powers—whose consent is now thereby necessary for its being increased.

99. *The "Social Evil."*—This evil, so often supposed to be characteristic of Christian rather than Moslem countries, had from time immemorial flourished in the interior towns. In theory it was regarded as intolerable, in practice the toleration of it was a principal source of emolument to the officials who were presumed to be bound to repress it. Venereal diseases had become so common and so generally hereditary as to have lost in local subjects much of their original virulence, but remained of special danger to strangers. The efforts of the protectorate authorities regulated prostitution as far as concerned the Jewish quarter—where also lower class Europeans generally lived. The next step proposed was that the Moslem municipality should do the same thing for the Moslem quarter. The non-official members of that municipality, however, absolutely refused to touch it, some even on the ground that anything in the way of toleration or of gaining revenue from it would be a breach of Islamic law, talking of resigning if the project were pressed, and urging that it was really a matter of public order rather than of municipal administration. They agreed, however, to make no opposition to such measures as the executive might adopt. The executive, therefore, has issued recently a complete set of regulations on the matter. These, of course, are not applicable to British subjects, the British regulations for Morocco containing provisions penalising the keeping of brothels and so forth.

100. On the general question of the regulation or non-regulation of prostitution it would obviously be unfitting herein to offer any opinion. Total repression was considered impracticable, and efforts towards it might—it was urged—only have added to the temptations and illicit gains of the native officials concerned. The principles adopted, therefore, were to minimise the nuisance to the public, to make such commerce so harrassing and unattractive to all engaged in it that the "toleration" might, perhaps, become in reality an effective form of repression.

101. *Other bye-laws.*—These may be seen—as regards Fez and Mequinez—in the list enclosed herewith. The more notable are regulations on such absolute novelties in the interior as wheeled traffic (prohibited, very sensibly, in these very narrow streets), cab fares (cabs plying outside the walls), the rule of the road (keep to the right, very particularly necessary here—an exhortation merely, but useful for determining who is right or wrong when complaints of jostling, &c., arise), game laws, &c., and various sanitary measures.

102. One most useful bye-law deserves special mention, namely, that against bill-sticking and the like, which has already done much good, and, when Europeans are more numerous, will do more in future to preserve the picturesque appearance of Fez. It is hoped that similar regulations will be framed beforehand as regards the erection of unsightly buildings.

103. The bye-laws made restricting the exercise of the callings of doctors, chemists, dentists and midwives, to persons with proper diplomas or certificates, have been exercised with every moderation, the idea being only to protect the public from quacks.

104. *Civil Control.*—The first substitution of civil for military control took place in March, when a civil controller-in-chief and two civil controllers were appointed for Shawia. The two latter were military officers with experience in the district, and their duties commenced on the 1st April. For Rabat and Kenitra civil control was established at the end of June. Thereafter, by a Presidential decree of Paris, 31st July, amplified by a decree of the Resident-General, Rabat, 2nd August ("Bulletin officiel," No. 45, 5th September, pages 343–345), a civil control service was created and its

organisation, conditions, &c. were defined. Nothing more in this direction appears to have occurred as yet, and I have no information as to how the civil control system is working in those places (above mentioned) where it has been introduced, nor as to when and where further extensions of it may be expected.

105. *Tribal Government.*—The tribes are still governed in the same manner as before (the old Moorish hierarchy supervised by the military "Bureau des Renseignements"), or, in the few cases alluded to in the preceding paragraph, civil controllers.

106. I still think that the success or failure of France in Morocco will very largely depend upon the system of Government ultimately adopted for the tribes, and that, in some simple form of rural councils, by which the natives would be led to interest themselves as much as possible in their local affairs, would probably solve the problem.

107. As all this was fully detailed in my report No. 1 of the 7th March, paragraphs 120–127, repetition herein would seem superfluous. I would remark, however, that twelve months' further experience of French ideas and methods here gives ground to expect that such a plan would not be favourably regarded at any rate by the great bulk of French functionaries, and, without their hearty good-will, its chances of success would naturally be much lessened.

108. *Municipalities.*—Mention has already been made herein of the usefulness, in a general way, of the existence of such a body as the Fez Moslem Municipality. However acutely important to the lives and health of the inhabitants concerned the various branches of the municipality's direct duties may be, they present matter of little interest beyond that sphere. To do them justice commensurate with their value from the local point of view is, I fear, beyond present limits, heavily laden, as this report already is, with statistics.

109. The first elections to replace the members retiring by turn took place in October. The old members, who include several foreign protégés, British amongst others, were re-elected with larger majorities than before, and yet with so heavy a poll of the total voters as to show that lively interest in the municipality continues to be taken by the Moslem public.

110. As regards their finance the municipality had expected a surplus this year of 350,000 Hassani pesetas, which, in the event, proved to be only 60,000 pesetas, the difference being due to unforeseen expenses. For the year now running, the estimates show a surplus of 120,000 Hassani pesetas.

111. I would note in passing one matter which may need enquiry and arrangement, namely, the "gerjouma tax," a due upon animals slaughtered for food, and which is supposed to be spent exclusively on street cleansing. The Powers consented, on that footing, to foreigners and protégés paying it, but the receipts from it, I understand, have considerably exceeded the expenditure for such cleansing, and yet the authorities have not reduced the tax.

112. No new taxes have been introduced, and the only new one in project is the "Taxe urbaine," 8 per cent. on rents of real estate, half of which will go to the municipal chest and half to the protectorate. I have heard no estimate of its probable yield.

113. The municipality has been paying the rent of the hospitals, dispensaries, &c. carried on by the protectorate, public medical assistance service, and of the schools, but these are expected to be paid by the protectorate in future.

114. The services for street cleansing, lighting, drainage, water supply, prisons, &c. continue to do excellent work. How prompt and careful is the street cleansing may be understood when I remark that "orderly boys" (here they are men) are part of the system. A campaign is beginning against flies, &c. The butchers' shops are being tiled for more effective washing.

115. During the summer months, when General Gouraud and Captain Mellier were absent on leave, a certain amount of complaint arose of unauthorised (meaning merely unvoted) expenditure of municipal funds, but on their return those officers restored matters to their proper footing.

116. Into the grievances of the municipality against the protectorate Administration, exaction of payment for Government lands previously gifted munificently to the city for the public good, and the like, however amusing it may be, I need not perhaps enter.

117. *Poor Relief.*—A native commission was appointed to supervise the expenditure of the local charity funds, arising from "Habous" sources, and on it two elected members of the municipality were given seats. So far as I have heard this commission has been working usefully.

118. *Jewish Municipality.*—This is, comparatively, a very small affair, and the

official element, in practice, prevails almost entirely. This, and the continued poverty of the Jewish community, make its activities of small scope, and—however useful—of little general interest. It would, I think, be quite too much to say that the Moors could, themselves, have achieved so excellent results, and the city will always be indebted, in no small degree to the energetic, yet most tactful and sympathetic, guidance which its affairs have had from General Gouraud and Captain Mellier.

119. *Mequinez Municipality.*—This is really a commission composed of French and Moorish officials, and a few Moors. The latter are nominated by the Administration, and foreign protégés are not included.

125. As regards Mequinez, I beg to enclose copy of a report which Mr. Elphick, assistant at this consulate, took an opportunity to make recently when visiting Mequinez in connection with his duties.

121. From everything I hear the peculiar feature of Mequinez is the almost abject attitude of the inhabitants in regard to the new régime—a result, possibly, of the total absence of non-French official influences, such as consular officers—of the form given to the Administration, and, perhaps most of all, to the head of the "Bureau des Renseignements" responsible for its working. His attitude to the natives is said by everyone to be most arrogant, his life dissolute, and, of late, to these have been added the stories of corruption already mentioned herein.

122. *Pacification of Interior Tribes.*—The problem presented in this all-important connection has been so often described as scarcely to need minute repetition. Briefly it may be summarised as that of controlling and developing the "Makhzen" parts of the country without convulsing the non-Makhzen parts, that is to say, the two-thirds or so of Morocco which had never been under more than nominal rule by modern Sultans. The situation bears some rough resemblance to that between Egypt and the Soudan, only that the Soudan's lapse from recognised authority was sudden, and existed merely for half a generation, whereas that of the "Blad Siba" (land of chronic rebellion) in Morocco was gradual, and dates back for eight generations, say to the death of Mulai Ismaïl in 1727.

123. The tribes of the "Blad Siba" have always been the most disposed to resent innovations anywhere in the country, to afford refuge to malcontents and to harass their quieter neighbours. At the same time the areas they inhabited were far too vast and physically difficult to make ordinary military conquest and occupation speedily possible. The only solutions formerly imagined for it were merely these two: A prompt one by military crushing and disarmament (requiring say 200,000 men or more) or a very slow one by means of ingratiation, money, education, &c. A third possible solution, however, was discovered by General Lyautey, namely, the "Oil Stain," one already fully described in paragraphs 10 to 13 herein, and which is really a highly scientific combination and simplification of the other two.

124. The means at General Lyautey's disposal have not permitted its being used in the areas south of the Southern Atlas. There the Pretender, Mulai Hiba, was thrust into the background first by French troops and latterly—in remoter regions—by bodies of Moorish "friendlies"—the tribes of the latter being as yet left pretty much to their own chiefs. As regards the eastern, central, and northern parts of the French zone, as will be seen from the accompanying map (Enclosure No. 3 herein)* the non-Makhzen areas have already been diminished by a belt about 40 miles wide along the whole of both their east and west sides contiguous to French influence.

125. A series of military posts have been established in such wise as to make it impossible for any central tribe to move to assist others without exposing its lands to instant attack by the adjacent French posts. In point of fact, the only two (from their size and mobility) dangerous tribes remaining are those of Beni Warain and Zayan. With the former conciliatory palavers are already in progress. In the latter an agitator, called Ali Ambroush, is said to be very active, but to have quite failed to induce any neighbouring tribes to make a forward movement.

126. The history of the year's operations, which have brought all this to pass, would take more space to relate than can be spared herein, but it may be observed that—which was enjoined stringently on the district commander—very little fighting occurred. I am referring, of course, only to the central, eastern, and northern parts. The fighting, early in the year, near Mogador, was quite a separate matter, and so distant as to have no effect hereabouts on the tribes.

127. In addition to the ingenuity of these plans and the skill with which they were put into force, other influences have contributed to accelerating their success.

* Not reproduced.

The dryness of the weather was of the greatest assistance, both to military movements and the construction of military works, roads, &c., and the drought, scarcity of rain, and latterly the unusual cold, compelled large bodies of nomadic tribes to sojourn in areas occupied by the troops, and thereby to come under the "Oil Stain" influence under conditions which gave that policy the best imaginable chance. To illustrate how admirably all this could work together, I venture to describe a typical instance: Late in the year, pushed by the cold and drought, a section of the innermost inhabitants of Beni Meguild—perhaps (including women and children) 20,000—encamped on the edge of the "occupied" part of Beni Meguild. They had taken part in fighting the French, and now, of course, fully expected to be driven off. Instead of this, they were told that they were free to come and purchase whatever they required. They did so, were offered, and took, medical assistance for their sick and, naturally, were soon in friendly, communicative intercourse with the intelligence officers.

128. Here is another, which is taken from the "Revue des Deux Mondes" of the 1st December, 1913. I am sorry to be unable to send the whole article, so admirable and accurate description does it afford of the working of the "Oil Stain" method in all its details, and of the problems of tribal pacification, but I venture to quote the following passage as regards the native medical assistance, which is the best description of it in operation I have seen. Apparently the post in question was a small one, where the garrison military doctor did the native infirmary work in addition to his own duties:—

"Mais c'était l'infirmerie indigène qui donnait la plus sûre preuve de l'adhésion des tribus au nouveau régime politique des Zaër. Imbert l'avait hâtivement installée en dehors du poste, entre deux gros rochers. Le médecin de la garnison y prenait au sérieux le rôle de missionnaire laïque auquel les circulaires prévoyantes le conviaient. Avec une patience, un dévouement de sœur de charité, il réduisait des fractures, pansait des plaies immondes, taillait dans les chairs malsaines sans s'émouvoir de la vermine grouillante, des haillons sordides, des odeurs infectes de ses bénévoles clients. Ils venaient en foule, et de loin, chaque semaine plus nombreux, et les tentes de l'Assistance médicale faisaient songer à quelque musée des horreurs. De toutes ces ruines humaines dues à la misère physiologique, aux hérédités redoutables, au charlatisme des sorciers, les victimes des combats offerts naguère à la colonne des Zaër étaient les plus pitoyables. Ils avaient longtemps caché dans leurs douars, par crainte de terribles vengeances, des blessures que le temps et l'ignorance rendaient vite épouvantables. La générosité des vainqueurs, la réputation du "toubib" établie sur des cures impressionnantes avaient fini par dissiper leurs préventions. Ils s'habituaient à prendre le chemin de l'infirmerie indigène, d'où ils sortaient souvent guéris et toujours soulagés. Les compliments chevaleresques des officiers flattaient en outre leur vanité de guerriers, et la cause française n'avait pas chez les Zaër de plus dévoués partisans."

129. It would, I think, be hard to say which is of the greater value to the Government—the impressions the tribes people thus take, or the information they give. At any rate, the success attained by such methods has already made many observers in the interior begin to reconsider their previous opinions as to the time and cost required for the pacification of the whole of the French zone. Indeed, of the non-Makhzen populations of the northern half of the French zone, it might be said that two-thirds have already been pacified in these two and a-half years, almost all of which has been done in the last fifteen months, and by the "Oil Stain" method. At the present rate and by these methods the linking up of the eastern and western areas of occupation (*i.e.*, in the Taza region) now only 40 miles or so distant from each other, may before many months be safely practicable.

Public Health.

130. The supervision of public health being only in its initial stage of development and first year of work there are necessarily no statistics available with which to make comparisons with previous years. One can only remark broadly that notably at Casablanca and Rabat, a great deal of sickness and mortality have been prevalent, especially amongst Europeans. This is commonly attributed to the unsanitary conditions, especially overcrowding, at the ports.

131. This preventible loss of health and life must, in fairness, I think, be reckoned part of the price which the French pay for the high rate of speed and the simultaneousness with which their Morocco developments are characterised. If wheeled traffic be introduced into towns or suburbs before roads are made, deep dust in summer and

quagmires in winter, and mosquitos and malaria all the time, are inevitable. Equally to be expected are typhoid, typhus, dysentery, small-pox, &c., if additional population is imported far beyond the conditions existing as to buildings, drainage, and water supply. In their defence those of the French who attempt to defend what has happened at Rabat and Casablanca, plead that such results at first are inevitable at the incoming of additional traffic at such towns as those of Morocco, and that had Fez been selected for the seat of the new Administration, the same or worse results would have followed. To this it is answered with, I think, perfect truth, that, had the same method been pursued at Rabat as at Fez—for instance, the building of camps, barracks, &c., 2 miles, or more away from the city—the results would have been different, as no less would have the good results at Fez have been had the Rabat proceedings been initiated here. Given enough haste and want of foresight, Fez still, more easily than Rabat, could have been made pestilential. Many reasons now adduced in excuse of the Rabat state of things as compared with those of Fez, for instance, the excellent existing drainage, the abundant and constant water supply (which itself keeps the drains in constant flush), the large areas in healthy sites of Makhzen lands available, one might have thought would have been amongst the most important to bear in mind when selecting a location for the new Government. Meanwhile the chief if not the only persons to benefit have been the speculators in land at Rabat.

132. Happily the French Legislature (as already mentioned) has left the question of the permanent capital still open. In fairness it should be mentioned that recently the authorities appear to have begun to be trying to grapple seriously with the sanitation of Rabat, but from all accounts it must be many months before such objects can be attained. Meanwhile the daily deaths, I am told, number about thirty, *i.e.*, four or five times what it ought to be.

133. *Public Health Service and Medical Assistance.*—Having said so much on what might be called the "debit" side of the administration as to public health, I would now allude to the "credit" side. The "Native Medical Assistance" Service has already been fully described. So successful did it soon prove that in May it was developed into a branch of the Administration, and its scope and duties extended to include :—

Hygiene and general preventitive medical supervision.
Future sanitary services.
Medical inspection of prisons.
Medical inspection of schools.
Legal medical duties.
Future maritime sanitary service.
Special sanitary missions.
Medical assistance to Europeans; and
Native medical assistance.

This service took over the hospitals, dispensaries, &c., previously maintained by the French Government, and these were considerably increased both in number and size. I have not seen, however, any return in regard to them for the year. Further increases will be made when the funds allotted to the service, 400,000*l.*, *i.e.*, no less than 6 per cent. of the total loan—out of the new loan becomes available.

134. *Bacteriological Institute.*—An "Institut Pasteur" was established at Rabat in the beginning of the year for research purposes, treatment of rabies and the like.

135. *Adulteration of Foodstuffs.*—A number of bye-laws were issued for prevention of adulteration of foodstuffs, but, for want of sufficient means of inspection and analysing, are not yet fully workable. It is expected, however, that a public analyst will before long be appointed to each municipality.

136. *Anti-Typhoid Vaccination* is afforded gratuitously to Europeans by the military medical service.

137. *Hospital Treatment for Europeans.*—Europeans continue to be received at the military hospitals—a boon the value of which it would be difficult to exaggerate—on terms which make such treatment open to all. Persons graded as commissioned officers are taken at the rate of 4 fr. a day, and other ranks downwards in proportion to the lowest at 1 fr. a day, and the kind treatment they receive from the doctors and nurses—the latter being ladies of the various French Red Cross Military Nursing Societies—constantly evokes the warmest admiration.

138. *Restrictions as to practice of medical profession, pharmacy, midwifery and dentistry by unqualified persons.*—(See paragraph No. 103 herein.)

Justice.

139. *Native Courts.*—Civil: The courts of the cadi remain as before, only, of course, that they are subjected to a certain amount of executive supervision. During the year commissions of inspection visited various country districts to enquire into the fitness of local cadis. From the cadi, in the Moorish system, there is no appeal save to the Sultan. In practice the latter usually decided, by advice of a few ulema selected arbitrarily only for each case as it arose. The establishment of a Court or Advisory Board to exercise these functions regularly is now in course of study. Appeal cases affecting foreigners as regards real estate used to be triable by the Sultan's Commissioner for Foreign Affairs at Tangier. These are now to be tried by a court consisting of the Vizier of Justice and three ulema.

140. Criminal: For the trial of cases involving punishments in excess of 1,000 pesetas fine, or one year's imprisonment, a Court has been established consisting of the Grand Vizier as president, two members, two "suppléants" and one interpreter. Three members form a Court, and are assisted by a delegate (French) of the Secretary-General of the Shereefian Government.

141. Criminal Appeal, Clemency: To advise the Sultan in these matters a Board has been constituted of a delegate from the Vizier of Justice, Public Works and Finance, assisted by the Secretary-General of the Shereefian Government.

142. General: All these arrangements, however, are avowedly only of a transitory kind pending the establishment of a permanent judiciary system of which the project has been drafted and sent to Paris for approval. No reports have been published of their proceedings, nor any returns of cases tried, and I have not heard (if at all) how they work. They were established in November last, and their stop-gap character is further shown by many of the natives selected as members, whose names and antecedents make it impossible to regard them—or even any public body to which they are attached—very seriously. Their appointments look very like rewards for services to France in quite other than legal spheres of Moorish Administration.

143. *French Courts.*—In October the French Consular Courts were abolished, and in their place was created a judiciary system for the French zone. This included a Court of Appeal at Rabat, High Courts at Oujdah and Casablanca, and Lower Courts in various other towns, all with civil, criminal, and (in the case of the High Courts) matrimonial jurisdictions.

144. Offences committed by natives against French or other foreigners or by natives in conjunction with foreigners (French included), or by foreigners were assigned to their jurisdiction. Reserve was, of course, made of those foreigners whose Governments enjoyed extra-territorial rights of jurisdiction in Morocco. No Power with any considerable number of subjects has as yet, however, given up its rights of jurisdiction, so, with certain unimportant exceptions, the non-French Consular Courts still remain as before.

145. For their guidance the new courts were supplied with a code for Morocco (No. 46A of the "Bulletin officiel" of the 12th September, 1913, 215 pages) based upon that of Tunis, supplemented by French law, and modified (or claimed to have been modified) and simplified to meet the circumstances of Morocco.

146. Unfortunately, none of the French hereabouts, whom alone I have the opportunity to meet, know anything about the code, even the local Court officials being new-comers from France, and themselves still unfamiliar with it, or, at any rate, not of competence to discuss its general principles where these conflict with those of other nationalities. Moreover, I have not seen any published criticism of the code.

147. Such general (non-French) remarks as I have heard are, however, unfavourable. For instance, it is observed that there was really no need at present to introduce so large a system and necessitating for its working the preparation of a whole new code of lws; that suitable strengthening of the existing French Consular Courts would have been sufficient; that the code, possibly by reason of the speed with which it was framed, contains many errors and omissions on very vital points, and that its treatment of the non-French population, whom it purports to provide for, is not reconcilable with the interests and feelings of those affected. Such critics suggest, in other words, that non-French foreigners are better off—or, at any rate, happier—under their own Consular Courts than they would be under the new French Courts.

148. However, no such foreigners can come under the new French Courts without the consent of their Governments, and thus the matter will naturally be submitted to competent judgement in the ordinary course of things.

149. Allusion has just been made to the speed with which the system was erected, the code framed, and the officials selected. To all this only six months were devoted,

of which, perhaps, four and a half were for the code, fewer months (even a French critic has been heard to remark) than the Code Napoleon took of years. The points as to whether five months were reasonably sufficient for such a work as the Franco-Moorish Code, and whether it was not incumbent on General Lyautey to have supervised it (in so far, at least, as to have seen that his own principles were not being omitted and that different ones were not being inserted) have already been submitted (see paragraph 8 herein) for consideration.

150. Strangely enough the speed with which the system and code were created was a great source of pride to its authors. As already remarked, I do not propose to offer criticisms of the code, but one instance of how inadequately it meets the needs of the situation having just been revealed here in actual practice may be mentioned.

151. The local Courts ("juge de paix") cannot take cognisance of civil suits involving over 1,000 fr. (40*l.*), save in a certain number of specified exceptions (of cases, not of Courts). If above that sum, the case must be heard only at the nearest High Court (at Fez this means Casablanca). A poor suitor, or one pressed for time, is thus precluded from having his case, however good, adjudged upon locally.

152. In the British Consular Courts, on the contrary, any such case could be heard and adjudged on the spot and, if over 50*l.* were involved, either party dissatisfied could appeal as of right, but the appellant might be made to give proper security for carrying out the Law Court's decision.

153. The common-sense equity of this latter as compared with the former, especially in a country where communications are so difficult and costly as in Morocco must, I think, be obvious.

154. That all this is not mere hypothesis is shown by a case which occurred here lately between a man of small means and a large French bank. The bank agent merely answered, "your case is one for over 1,000 fr. I won't listen to you or anybody here. Go to Casablanca," and the "juge de paix," on complaint being made by the plaintiff, replied, "yes, your claim is above 1,000 fr. I can do nothing. It is for the High Court at Casablanca."

The Army.

155. The military forces of the French zone consist of the French army of occupation and the Moorish troops. The former number roughly some 60,000, the latter perhaps 2,000 or so. The Moorish army practically disappeared in consequence of the Fez mutiny in April 1912. Reorganised, and under an oath of fidelity to France as well as to the Sultan, these 2,000 men act as auxiliaries to the French troops. There appears to be no disposition to revive the Moorish army, and the ideas I hear expressed by French officers are rather in the sense of opening such of their Algerian and Tunisian regiments as are in Morocco to Moorish recruits.

156. To describe herein the French army of occupation would only be to repeat what I wrote on that subject in my report of the 7th March, 1913, since when nothing fresh of interest has come to my notice.

157. The medical officers tell me that the health of the troops has continued even more satisfactory than in 1912. So far as may be observed by an outside observer, the discipline and conduct of the troops continues excellent, very few complaints from the public being heard.

158. As to the chief command, the only point to note is that the post of general officer commanding the western division of the army of occupation was abolished, a "général de brigade" (major-general) being attached to General Lyautey to assist the latter as regards the western command in his duties as supreme commander of all the French troops in Morocco.

General.

159. *Time.*—Amongst the general measures introduced I would notice first that about time. The legal hour has been fixed as that of the meridian of Greenwich. For telegraph purposes, and in military, legal, and some other connections, the change was doubtless indispensable—but as regards the general public convenience at Fez it proved hitherto an additional element of confusion.

160. However incorrect scientifically it may be, the noonday mosque call is audible to all: Watches were set and appointments made by it. Now it is always necessary to specify one's standard of time in the making of arrangements.

161. *Honours.*—It will be remembered that Mulai Hafid, in 1910, instituted a decoration called the "Hafidian" Order. How many persons received it, and

who they were, I have not seen, but they included numerous French and foreign civil and military officers and the (then) two Brititish military instructors.

In May last the name of this order was abolished, and it was then called that of the "Ouissam Alaouite." To what extent, or to whom, it has been confirmed, I am unable to say. It is composed as follows:—

Grand cordon (1st class), limit 25: Open to Sultan's family.
Grand officer (2nd class), limit 50: Open to military officers and civil officials with salaries of 800*l.* a year or more.
Commander (3rd class), limit 150: Open to commissioned officers and civil functionaries with salaries of 480*l.* to 800*l.* a year.
Officer (4th class), limit 1,500: Open to junior officers or civilian functionaries with salaries of 120*l.* to 480*l.* a year.
Chevalier (5th class), limit 3,000*l.*: Open to military officers and civil functionaries with salaries of 120*l.* a year.

All the foregoing limits are exclusive of those conferred on French military officers on footing of foreigners and of foreigners.

There was also established "The Shereefian Order of Military Merit," for distinguished conduct in action. It is open to all military ranks and appears to be unlimited.

The "Bulletin officiel."—The services established at Rabat included, naturally, an official newspaper. It is published weekly, has now grown to nineteen large quarto pages, and is of the greatest utility to everyone engaged in official work. An Arabic edition is also issued.

"Al Khabar Telegrafia" (= *Telegraphic News*).—This novelty is a local official sheet issued in Arabic and irregularly, and supplied gratis by the "Bureau des Renseignements" of Fez city. It is circulated privately to official Moors, members of the municipality, and others. As yet it is the only thing in the way of a newspaper at Fez.

J. M. MacLEOD.

Fez, March 12, 1914.

Enclosure 2 in No. 37.

French Zone in Morocco: Central Administration.

Resident-General:

Two aides-de-camp and one interpreter.
Three private secretaries (Cabinet civil).

Diplomatic:

One Minister plenipotentiary (Deputy Resident-General).
Five secretaries and interpreters.

Political (Intelligence Department).

Three secretaries (military officers).

Secrétariat-général du Gouvernement chérifien (General Administration of Morocco).

One secretary general.
Five secretaries.

Education:

Two secretaries.

Finance (including Posts, Telegraphs, and Domains):

One director-general.
Six secretaries.

Public Works:

One director-general.
Eleven secretaries and assistants.

Public Health:

One director-general.
One assistant.

Secrétariat général of Protectorate:

Secretary-General.
About 100 chefs, sous-chefs, various grades of secretaries, interpreters, &c.
Salaries from 20,000 fr. yearly down to 1,800 fr., plus allowances for high cost of living.
Three further interpreters to Residence-General.

Services d'Études et des Renseignements économiques (Recherches scientifiques):

One director.
One draftsman, &c.
Paris Office of Protectorate Government.

"Bulletin officiel":

Editor and three assistants.

Cattle, horses, &c., sanitary service (Service Zooteschnique et des Epizooties):

Temporarily carried on by Army Veterinary Department.

Military, staff office, &c.:

One chief military secretary.
Seven secretaries.

Military finance:

One intendent-general.

Military works:

One director-general.
One assistant.

Military, general command west:

One general officer.
One chief of staff.
One intelligence officer.

Total:

Twelve principal civil departments (much sub-divided), with upwards of 154 functionaries.
One principal military department, with three officers.
Four principal military departments, with fourteen officers.

(This table has regard to European-French functionaries exclusively, and does not include legal or consular establishments).

Note 1.—In addition, there is a Paris Office of the Protectorate Government for propaganda regarding Morocco with one director.

Note 2.—For further details regarding the foregoing, *vide* the "Bulletin officiel," especially Nos. 32, 34, 36, 37, and 52.

Enclosure 3 in No. 37.

Extract from Circular communicated by General Lyautey to Officers Commanding Military Regions.

Directives politiques.

LE commandant de la région a comme agent, pour la politique générale de la région, son Service des Renseignements.

Les commandants de région recevront chaque fois qu'il y aura lieu, les directives du Résident général au point de vue de la politique à suivre, mais, d'une façon générale, ces directions s'inspireront des vues suivantes:

Assurer avant tout la sécurité militaire des places, de leurs abords et des lignes d'étapes.

Étendre progressivement le rayon d'action et de sécurité sur la périphérie insoumise, par une constante action combinée des moyens militaires et politiques, en s'inspirant de mes instructions du 9 juin, et en faisant constamment appel à la coopération des autorités indigènes, makzen, cheurfas, chefs de cheurfas, chefs de tribus de telle sorte que la pratique du régime du protectorat et de coopération soit toujours tangibles aux populations.

Ne jamais engager, ni laisser engager une opération militaire, sauf le cas d'agression immédiate ou de force majeure sans qu'elle ait été au préalable préparée politiquement et qu'elle soit complètemet outillée et "montée" pour cet objet.

Ne jamais perdre de vue le large usage de l'assistance médicale indigène au cours des opérations et des achats sur place qui, même au cas où il paraîtrait onéreux à l'administration, constituent un des meilleurs modes de faire bénéficier les populations de notre présence et d'associer leurs intérêts et les nôtres.

Comme un poste, une troupe en opérations doit constituer un "centre d'attraction" et non un "pôle de répulsion."

A mesure qu'une région est rentrée dans l'ordre, y reconstituer avant toute chose l'autorité locale, afin qu'elle s'exerce conformément aux règles traditionnelles et en reprenant sous notre contrôle sa subordination au Mahkzen.

Réaccoutumer les tribus rentrées dans l'ordre à se défendre elles-mêmes, à ne pas faire constamment appel à notre appui et à ne pas nous entraîner dans des occupations prématurées ou excentriques; leur rendre confiance en elles-mêmes et exploiter leur esprit guerrier pour leur défense propre et celle de l'ordre général.

A cet effet, il importe au plus haut degré d'envisager la constitution de goums* par tribus, aussi bien pour assurer la sécurité de la tribu que pour nous procurer des contingents irréguliers dont l'appoint est indispensable et qui, sous la direction des officiers des Renseignements, donneront à nos détachements une mobilité, une sécurité éloignée, une liberté de manœuvre qui leur font trop défaut actuellement. Ils pourront également être employés tres utilement à protéger les convois et en alléger les escortes Ils faciliteront aussi le plus large emploi des convois libres.

Chaque fois que les goumiers seront employés à notre service ils seront payés.

Rabat, le 19 *août*, 1912.

Enclosure 4 in No. 37.

Extract from the "Bulletin officiel" of November 15, 1912.

Arrêté concernant l'Assistance médicale indigène.

LE Commissaire Résident général, arrête:

Dans chacun des centres de région, il est constitué un service d'assistance médicale indigène, comportant en principe une installation fixe et une organisation mobile, permettent de faire rayonner à l'extérieur, dans les tribus de la région, le bénéfice et l'action de cette assistance indgène.

Assistance médicale indigène.

L'assistance indigène fixe sous la direction d'un médecin désigné par le Résident général, donne des consultations, délivre des médicaments à titre gratuit aux indigènes

* = *Native auxiliaries.* Their duties, training, &c., vary greatly according to circumstances of local requirements.

qui s'y présentent, et possède des locaux et le matériel nécessaire pour hospitaliser ceux, pour lesquels cette mesure paraît indiquer.

Dans les villes où existe un dispensaire déjà créé par les Affaires Étrangères, il se confond avec la portion fixe de l'assistance indigène, qu'il constitue, et à laquelle il sert de noyau.

Le budget d'entretien de cette portion fixe d'assistance est arrêté par le Résident général ; le projet lui en est soumis par le commandant de la région, il comprend aux dépenses d'entretien de locaux, le cas échéant leur location, les achats de médicaments, objets de pansements, et instruments de chirurgie, les frais divers entraînés par l'hospitalisation.

Portion mobile.

Le but de cette portion mobile est, en dehors de son action de secours médical, de concourir, en établissant des rapports pacifiques et confiants, au rayonnement de notre influence dans les tribus de la région à laquelle elle appartient.

Pour cela, elle profite de toutes les circonstances favorables qui lui sont présentées. Sur l'ordre du commandant de la région, elle se joint aux colonnes, aux reconnaissances, aux sorties des goums, et elle fonctionne pendant les stationnements en recevant aux consultations, les indigènes qui se présentent, elle délivre des médicaments ; les opérations seules de peu d'importance y sont pratiquées.

Le médecin, qui en est chargé, indique, ou fait indiquer aux chefs indigènes les mesures prophylactiques qui, éventuellement seraient à prendre. Il lui appartient de donner aux indigènes toutes indications leur facilitant l'accès à la portion fixe de l'assistance indigène du centre, ou de toute autre infirmerie indigène de la région.

Le matériel, les médicaments et les objets de pansements lui sont fournis par la portion fixe de l'assistance indigène de la région. Celle-ci reprend en dépôt ce matériel et ces objets au moment de la rentrée de la portion mobile ; il est sans délai procédé aux recomplètements des approvisionnements et aux réparations nécessaires de façon à ce que la portion mobile soit tenue constamment prête à se déplacer.

D'une façon permanente, la portion mobile est pourvue des moyens de transport lui permettant de se faire suivre par :

1. Une grande tente de consultations ;
2. Une tente marabout pour le personnel secondaire ;
3. La tente personnelle du médecin ;
4. Les objets de pansements et les médicaments pouvant être contenus dans quatre cantines ;

Au total environ quatre mulets.

Cette portion mobile est dirigée par un médecin auquel est adjoint un sous-officier, en principe, pris dans les troupes chérifiennes et un nombre variable des auxiliaires, de préférence pris parmi les troupes indigènes ou les européens parlant l'arabe.

Infirmeries indigènes des Cercles.

En dehors des centres de région où l'assistance médicale indigène sera organisée suivant les dispositions précédentes, il sera installé dans les sièges de commandement de cercle, des infirmeries indigènes, donnant des consultations, distribuant des médicaments, et pouvant recevoir des hospitalisés suivant le mode indigène.

Les règles de fonctionnement et d'établissement de budget seront celles prescrites pour l'assistance indigène fixe des centres de région ; les projets de budget transmis aux commandants de région seront arrêtés par le Résident général. Les dépenses seront, en principe, supportées par les budgets locaux. Toutefois, en cas d'insuffisance, des secours pourraient être demandés à la Résidence générale.

Dans les postes autre que les centres de région où les sièges de commandants de cercle, il est essentiel, si le poste possède un médecin, que les indigènes trouvent auprès de lui, assistance médicale, médicaments et secours nécessaires.

Les frais occasionnés de ce fait seraient relevés par le commandant de poste et remboursés au service de santé, s'il y a lieu, par l'infirmerie indigène de cercle auquel il appartient ou même par la portion fixe de l'assistance de la région.

Pour donner le plus de souplesse possible à ces formations d'assistance et permettre un effet plus complet des initiatives individuelles, chaque portion fixe d'assistance de région et chaque infirmerie indigène a une gestion autonome, sous le contrôle et la

surveillance du chef local du bureau des renseignements, qui a la gestion des fonds nécessaires.

Le chef du bureau des renseignements veille à ce qu'on adopte pour les divers achats de médicaments, instruments de chirurgie, &c., le mode le plus avantageux, et que les dépenses soient toujours motivées exclusivement par le souci du meilleur fonctionnement de l'assistance médicale et la plus grande extension de notre action par ce moyen sur l'indigène.

Afin d'assurer plus complètement l'action personnelle des médecins attachés à la portion mobile de l'assistance indigène des régions, les opérations de vaccination et de revaccination seront autant que possible effectuées par leurs soins dans leur région.

Chaque année, chaque infirmerie indigène établira un rapport qui sera transmis au Résident général et dans lequel se trouvera non seulement les renseignements de statistique médicale, mais encore la mention des améliorations réalisées dans les locaux et pour les centres de région, celle des sorties de leur portion mobile d'assistance médicale.

Nota.—Le service des infirmeries indigènes est lié au service des renseignements et fonctionne sous la haute autorité du Résident général ; à Fez, la constitution de l'assistance médicale et son fonctionnement ont été l'objet d'une décision antérieure spéciale.

LYAUTEY.

Rabat, le 21, *octobre*, 1912.

Enclosure 5 in No. 37.

Pro Formâ Budget of French Zone in Morocco, May 1, 1913, to April 30, 1914 (extracted from the Supplementary Report of the Parliamentary Commission on Foreign Affairs, Protectorates, &c. M. Maurice Long, Reporter). No. 3662, Special Session of 1913.

(Converted into £ sterling at rate of 30 Hassani pesetas per £.)

Revenue.	£ s. d.	Hassani Pesetas.	Expenditure.	£ s. d.	Hassani Pesetas.
A. Surplus of embargoed (mortgaged) dues (for instance, sums handed to Treasury out of customs dues after payment of interest on loans)	216,666 13 4	6,500,000	I. Western Morocco—		
B. Protectorate revenues—			Chapter 1.—Pensions	25,000 0 0	750,000
I. Western Morocco—			Chapter 2.—Civil List	118,333 6 8	3,550,000
The "Tertib"	116,666 13 4	3,500,000	Chapter 3.—Shereefian services	56,400 0 0	1,692,000
Market dues	43,365 16 8	1,300,975	As follows:— £		
Proceeds of Government properties	26,666 13 4	800,000	Sum in proposed budget 1,452,000		
Posts and telegraphs	54,816 13 4	1,644,500	Deduct sum payable to functionaries in Tangier zone, payable by that zone when the "Statut de Tanger" comes into operation 331,770		
Anchorage dues	120,000 0 0	3,600,000	Add salaries of "Mkhaznis," previously paid from military chest 240,000		
Sundry sources	28,944 14 8	868,342	1,360,230		
II. Eastern Morocco	71,236 8 8	2,137,093	*Add sum payable to Tangier zone as above meanwhile 331,770		
			1,692,000		
			Chapter 4.—Residence-General	68,067 6 8	2,042,020
			Chapter 5.—Financial Services	142,004 16 0	4,260,144
			Chapter 6.—Secrétariat général of Sheerefian Government (includes 200,000 H. P. for additional police services)	139,187 10 8	4,175,626
			Chapter 7.—Public Works (includes 2,200,000 H. P. for anchorage and other port services which have been reorganised. Yields profit of 1,400,000 H. P.)	260,311 10 8	7,809,346
			Chapter 8.—"Bureau des Renseignements" (allowances to military intelligence officers who will be succeeded by civil controllers)	24,845 16 8	743,375
			Chapter 9.—Philanthrophic work, various allowances to functionaries, subsidies, sundry expenses	132,133 6 8	3,964,000
			Contingences.—Special funds (includes 1,000,000 H. P. for loan of seed, grains, and assistance during present dearth).		
Total	678,363 13 4	20,350,910	Total expenditure (ordinary) for Western Morocco	966,283 14 0	28,988,511
Balance: Deficit	433,489 16 0	13,004,694	II. Eastern Morocco (ordinary)	71,236 8 8	2,137,093
			III. Exceptional and special expenses (includes sums to municipalities for public improvements)	74,333 6 8	2,230,000
Total	1,111,835 9 4	33,355,604	Total	1,111,853 9 4	33,355,604

Enclosure 6 in No. 37.

INDEBTEDNESS of Morocco (French Zone) to France.

		Francs.	£ sterling.		Francs.	£ sterling.
1904	I. Loan. French banks	62,500,000	2,500,000	Annual charge for these two loans Fr. 9,191,829; Less proportions payable by Spanish zone and Tangier zone 1,553,450; Net annual charge	7,638,379	305,535
1910	II. Loan. French banks through Banque d'État	101,500,000	4,060,000			
1914	III. Loan. French banks, guaranteed by French Government	170,250,000	6,810,000	Annual charge	7,661,250	305,600
	Total	271,750,000	13,370,000	Total annual charge	15,299,629	611,135
	The following sums besides have been paid by France:— In meantime—			The following annual charges besides are being paid by France:— In meantime—		
1910	IV. French military and naval expenses up to October 31, 1910*†	70,000,000	2,800,000	Annual charge†	2,740,000	109,600
1911–13	V. French naval and military expenses*	360,000,000	14,400,000	Annual charge	16,200,000	648,000
	Total	430,000,000	17,200,000	Total annual charge	18,940,000	757,600

* There are besides the Spanish naval and military expenses, chargeable to Spain or Spanish zone, and which, up to end of 1910 only, amounted to 65,000,000 fr., costing an annual charge of 2,745,000 fr., say 2,600,000*l.* and 104,000*l.* respectively. What these expenses are since, in 1911, the Spanish occupation of Tetuan, Laraiche, &c., occurred, I have not seen.

† The Moorish Government have recognised this sum as owing to France but the latter has agreed to suspend collection of it and of the annual charge upon it in the meantime. It is secured upon the receipts of customs, domains, octroi, and market dues, part of the urban tax in the ports, and the tobacco and Kif monopolies Certain reserve funds (of which I have not seen the details) have been accumulated in this connection, and it is from them that the protectorate budget deficit will be provided for.

Enclosure 7 in No. 37.

Extract from the "Bulletin officiel" of August 29, 1913.

Modèle de Statuts de Société indigène de Prévoyance, de Secours et de Prêts mutuels.

Article 1er. Une société de prévoyance, de secours et de prêts mutuels est instituée dans le territoire de . Son siège social est fixé au chef-lieu du territoire.

Art. 2. La société a pour but :

1. De venir en aide par des secours temporaires aux indigènes, ouvriers agricoles, cultivateurs pauvres gravement atteints par les maladies ou les accidents ;

2. De permettre par des prêts annuels, en nature ou en argent, aux indigènes propriétaires ou "khammès," de maintenir et développer leurs cultures, d'améliorer et d'augmenter leur outillage et leurs troupeaux.

La société pourra consentir jusqu'à concurrence du dixième de ses fonds disponibles des prêts à d'autres sociétés indigènes de prévoyance. Elle ne pourra contracter des emprunts qu'auprès d'autrès sociétés indigènes de prévoyance.

Les prêts ou emprunts seront consentis aux taux ordinaires et ne pourront être autorisés que sur l'avis conforme des conseils de tribu, et du Conseil d'Administration de territoire en cas de disette, et avec l'approbation de l'autorité supérieure.

La société ne pourra, en aucun cas, s'associer avec une autre société de prévoyance ; elle pourra contracter des assurances contre l'incendie des récoltes, la grêle et les accidents.

Art. 3. La société se compose uniquement d'associés participants.

Art. 4. Il est établi dans chaque tribu du territoire une "djemaa," ou conseil des sociétaires de la tribu, composée du caïd, président et de la "djemaa." Un "khodja" est attaché à ce conseil. Cet agent nommé, suspendu et révoqué par le caïd, n'a que voix consultative, s'il est pris en dehors du conseil.

Art. 5. La société comprend autant de sections qu'il y a de tribus dans le territoire. Chaque section a son avoir, son compte d'intérêts et ses opérations séparées.

Art. 6. Les indigènes ayant leur domicile réel dans le territoire de ont le droit de faire partie de la société.

Les associés participants sont admis pour chaque tribu par le Conseil d'Administration sur la présentation du conseil des sociétaires de la tribu, constitué comme il est dit à l'article 4.

Ils cessent de faire partie de la société par suite de démission ou d'exclusion. La démission est acceptée, l'exclusion prononcée par le Conseil d'Administration, après avis du conseil des sociétaires de la tribu.

Art. 7. Il est établi au siège de la région, un Conseil d'Administration composé de la manière suivante :

1. Le Khalifa du Sultan, au siège de la région, président ;
2. Un vice-président désigné par l'autorité supérieure ;
3. Tous les caïds et chioukhs, membres ;
4. Un secrétaire-trésorier désigné par l' autorité supérieure, qui détermine le local où les fonds seront déposés.

Toutes les fonctions sont gratuites, celles de trésorier, de secrétaire du Conseil d'Administration ou du conseil de tribu exceptées.

Les remises et les indemnités de ces agents sont déterminées par le Grand Vizir sur la proposition du Khalifa du Sultan au siège de la région.

Le président convoque les conseils des sociétaires de la tribu et le Conseil d'Administration.

Il représente la société pour tous les actes et pour l'exercice des droits de cette société, chaque fois qu'une intervention personnelle est nécessaire.

Art. 8. L'actif de la société se compose :

1. Des cotisations des associés participants. La cotisation comprend annuellement une somme de 2 pesetas Hassani par charrue labourée.

La cotisation versée est définitivement acquise à la société et n'est pas restituée au sociétaire qui cesse d'en faire partie par suite de démission ou pour toute autre cause.

2. Des grains emmagasinés dans les silos de réserve et des prêts en nature faits sur lesdits silos ;

3. Des sommes existant dans la caisse de la société et des prêts faits sur ces sommes ;

4. De l'intérêt annuel des prêts en nature ou en argent ;

5. De tous les dons et legs en nature ou en argent offerts par les souscripteurs ou par les personnes étrangères à la société ;

6. Des subventions accordées par l'État, la région, le territoire ou les sociétés de bienfaisance ou autres ;

7. Des intérêts des fonds libres placés à la Banque d'État ou en compte courant disponible ;

8. Des fonds empruntés par la société auprès d'autres sociétés de prévoyance exclusivement ;

9. Des objets mobiliers et des immeubles (silos, magasins) dont la propriété lui est acquise dans les limites fixées par l'autorité supérieure.

Art 9. Les conseils de tribu se réuniront le 10 de chaque mois, s'il est nécessaire et toutes les fois qu'ils seront convoqués par le président de la société.

Ils proposent l'admission des sociétaires, donnent leur avis sur l'acceptation de leur démission ou sur leur exclusion, sur les demandes de prêts et de secours et sur toute dépense intéressant la section.

Ils ont la garde et la surveillance des silos de réserve dont ils tiennent la comptabilité. Ils délibèrent à la majorité des voix ; en cas de partage, la voix du président est prépondérante.

Ces conseils sont pécuniairement responsables des silos de la tribu.

Art. 10. Le Conseil d'Administration se réunira, s'il y a lieu, le 20 de chaque mois, de façon que les conseils de tribu puissent étudier et lui transmettre, avec leur avis, les demandes qui leur auront été soumises. Le conseil se réunira, en outre, toutes les fois qu'il sera convoqué par le président.

Art. 11. Le Conseil d'Administration statuera à la majorité des voix sur les demandes de prêts et les résolutions arrêtées par les conseils de tribu. En cas de partage, la voix du président sera prépondérante.

Art. 12. Il vérifiera les comptes de la société et les arrêtera.

Art. 13. Le Conseil d'Administration décide, sur l'avis des conseils des tribus intéressées, les dépenses à effectuer. S'il s'agit de construction, il décide les conditions dans lesquelles elles seront exécutées, approuve les projets. Lorsque la dépense dépasse 500 pesetas Hassani ses délibérations ne sont exécutoires qu'après approbation de l'autorité supérieure.

Art. 14. Le versement des cotisations en argent s'effectuera annuellement à l'époque de la rentrée de l'impôt "tertib" et sur quittance à souche individuelle, délivrée directement à chaque sociétaire par le trésorier.

Art. 15. Dans le cas où un sociétaire se trouverait dans l'impossibilité absolue d'acquitter sa cotisation, il pourra lui être accordé un délai dont le maximum ne devra pas dépasser la récolte suivante. Ce délai sera proposé par le conseil de tribu et accordé par le Conseil d'Administration.

Le conseil de tribu pourra également proposer la remise gracieuse de la totalité ou d'une partie de la cotisation due par un sociétaire dont il aura constaté le manque de ressources. La remise sera prononcée par le Conseil d'Administration.

En cas de refus de payement opposé par un sociétaire reconnu solvable, ce dernier sera mandé devant le Conseil d'Administration, qui pourra prononcer son exclusion de la société trois mois après une mise en demeure restée sans effet. Par application de l'article 8, l'indigène exclu n'aura droit à aucune restitution des versements antérieurs.

Art. 16. Le taux de l'intérêt des prêts est fixé à 5 pour cent par an.

Pour les prêts en nature, l'estimation de la valeur faite au moment du prêt sert de base pour le calcul des intérêts.

Art. 17. Toute sociétaire qui voudra faire un emprunt soumettra sa demande au conseil de tribu ; cette assemblée s'assurera des besoins du demandeur, fixera le montant du prêt en argent ou en nature et transmettra ces renseignements au Conseil d'Administration, qui statuera.

Art. 18. Les prêts seront proportionnés à la solvabilité des emprunteurs, à l'importance de leurs besoins, de leurs cultures. Ils seront faits pour la période comprise entre le moment où ils seront consentis et la récolte à venir sur un bon signé par le président du Conseil d'Administration ; avis en sera donné au trésorier.

Art. 19. Le versement du montant du prêt en argent sera fait directement à l'intéressé par le trésorier, qui inscrira la somme prêtée sur son registre et en présence du chef du Bureau des Renseignements.

Le versement du montant du prêt en nature sera fait directement à l'intéressé par le caïd, président du conseil de tribu, assisté de deux membres au moins de ce conseil et du secrétaire sur le vu d'un ordre signé du président du Conseil d'Administration. Le secrétaire inscrira ces quantités sur le registre du conseil de tribu ; le président y apposera son cachet. Avis des versements sera donné au trésorier qui les inscrira sur son registre pour leur valeur estimative.

Art. 20. Le remboursement des prêts en argent ou en nature s'effectuera dans les conditions indiquées ci-dessus à l'article 14 pour le versement des cotisations.

Art. 21. Les secours seront attribués sur l'avis du conseil de tribu par le Conseil d'Administration. Ils seront payés dans la même forme que les prêts.

Art. 22. Les assurances visées à l'article 2 devront faire l'objet d'un contrat spécial pour chaque tribu. Ce contrat signé au nom de la société par le président après autorisation du conseil de tribu et du Conseil d'Administration ne sera valable qu'après l'autorisation de l'autorité supérieure.

Art. 23. La garde des silos sera confiée à des indigènes choisis par le président du Conseil d'Administration et payés sur les fonds de la société d'après les usages indigènes, c'est-à-dire au prorata des produits ensilotés.

Ces gardiens seront responsables vis-à-vis du Conseil de tribu des grains qui leur seront confiés sauf au cas de force majeure dûment constaté.

Art. 24. La société pourra employer tout ou partie de son capital en achat de grains de semence. Elle aura également la faculté de réaliser le prix de la totalité ou d'une partie des produits ensilotés. Les opérations auront toujours lieu aux enchères publiques. Ces transformations de son actif seront proposées par le Conseil d'Administration après avis des conseils de tribu et approuvées par l'autorité supérieure.

La transformation totale en argent de l'actif d'une tribu ne pourra être effectuée que sur l'avis conforme du conseil de cette tribu.

25. Lorsque les fonds réunis dans la caisse de la société s'élèveront au-dessus de la somme de 3,000 pesetas Hassani, l'excédent sera versé à la Banque d'État, en compte courant disponible.

Les retraits à faire sur les fonds placés à cette banque s'effectueront sur l'ordre du président du Conseil d'Administration.

26. En cas de passage d'une tribu dans un autre territoire, cette tribu entre dans la société du nouveau territoire avec son avoir et ses dettes.

En cas de passage d'une fraction de tribu dans un autre territoire, il sera fait masse de l'avoir de la tribu, encaisse et créances. Il sera attribué à chaque fraction une part proportionnelle à sa population. Les dettes seront prises en charge pour leur valeur par les fractions auxquelles appartiennent les débiteurs.

S'il n'existe pas de société dans ces territoires et si, dans un délai de trois mois, il n'en a pas été créé une par les sociétaires, la liquidation deviendra obligatoire.

27. Le trésorier et les secrétaires du Conseil d'administration et des tribus recevront les indemnités dont le montant est déterminé par l'autorité supérieure.

28. Tous les ans pendant le mois de décembre, il sera procédé à l'inventaire annuel de la société.

Le trésorier produira, à l'appui de ses comptes, un compte de gestion dans les mêmes formes qu'il est ordonné par la comptabilité administrative. Le président, fournira de son côté, un compte administratif. Ces comptes seront approuvés par le Conseil d'Administration et transmis à l'autorité supérieure pour approbation, avec un rapport général sur les opérations de la société et les résultats obtenus au cours de l'année.

Art. 29. Les archives seront conservées par le secrétaire dans le local mis à la disposition de la société. Elles ne pourront être communiquées qu'aux autorités responsables de leur tenue ou chargées de leur surveillance.

Les pièces et registres de comptabilité seront conservés par le trésorier.

Art. 30. La surveillance de la société est exercée par l'autorité supérieure.

Art. 31. Les opérations d'administration et de comptabilité de la société s'effectueront au moyen des registres suivants, qui seront cotés et paraphés par le président du Conseil d'Administration :

Pour le Conseil d'Administration :

1. Un registre des délibérations ;
2. Un registre sur lequel le président inscrira au jour le jour tous les ordres tant d'encaissement que de versement qu'il adresse au trésorier ;
3. Un registre indiquant par tribu le nom des souscripteurs.

Pour le trésorier :

1. Un registre de caisse ; ce registre sera divisé en deux parties :
(*a.*) La comptabilité argent ; (*b.*) La comptabilité matière ;
2. Un registre de détail dit récapitulatif ;
3. Un registre ouvert pour les prêts ;
4. Un quittancier à souches.

Pour chaque conseil de tribu :

1. Un registre de délibérations ;
2. Un registre par Doit et Avoir des silos de réserve ;
3. Un registre indiquant les noms des souscripteurs.

Art. 32. Les indemnités des trésoriers et des secrétaires (voir article 27), les frais d'acquisition des registres et des imprimés nécessaires au fonctionnement de la société sont à sa charge. Sont également à sa charge les frais de bureau des Conseils d'Administration et de tribu. Ces frais de bureau seront payés sur facture et ne pourront jamais faire l'objet d'un abonnement.

Art. 33. Les présents statuts ne seront applicables qu'après l'approbation du Grand Vizir. Ils pourront être modifiés par délibération du Conseil d'Administration. Ces modifications seront soumises à l'approbation comme les statuts eux-mêmes.

Fait à , le .

Société indigène de Prévoyance, de Prêts et Secours mutuels.

Budget de l'Exercice 191 .

RECETTES.

Articles.	Nature des Recettes.	Recettes admises par le Conseil d'Administration.	Observations.
	Dépenses ordinaires.		
1	Cotisations des sociétaires : Cotisations en argent		
2	Recouvrements des prêts faits aux sociétaires : Recouvrements en argent		
3	Intérêts de prêts		
4	Intérêts de fonds placés à la caisse des dépôts et consignations		
5	Intérêts de fonds placés		
	Total		
	Recettes extraordinaires.		
6	Dons en argent ou estimés en argents		
7	Subventions diverses		
8	Ventes de grains faites par la société		
9	Ventes de mobiliers		
10	Prêts consentis à la société par d'autres sociétés ..		
11	Recouvrements de sommes prêtées par la société à d'autres sociétés		
	Total		
	Récapitulations.		
	Excédent de recettes de l'exercice précédent ..		
	Recettes ordinaires		
	Recettes extraordinaires		
	Total		

DÉPENSES.

Articles.	Nature des Recettes.	Recettes admises par le Conseil d'Administration.	Observations.
	Dépenses ordinaires.		
12	Frais d'administration		
13	Remises du trésorier		
14	Prêts faits aux sociétaires :		
	Prêts en argent		
	Estimation en argent des prêts en nature ..		
15	Secours à des sociétaires :		
	Secours en argent		
	Estimation en argent des secours en nature ..		
16	Secours à des malheureux		
	Total		
	Dépenses extraordinaires.		
17	Achat de grains		
18	Prêts à d'autres sociétés..		
19	Remboursements de sommes prêtées à la Société par d'autres sociétés		
	Total		
	Récapitulation.		
	Dépenses ordinaires		
	Dépenses extraordinaires		
	Total		

BALANCE.

Total des recettes .. ..
Total des dépenses .. ..

Excédent des recettes .. ..

Arrêté le présent budget par le Conseil d'Administration de la société, dans sa séance du .

A , le , 191 .

Le Président,

Le commandant de la région, ou le contrôleur civil arrête le présent budget de la société indigène de prévoyance, de secours et de prêts mutuels de pour l'exercice , savoir :

En recettes à la somme de .
En dépenses à celle de .

A , , 191 .

Le Commandant de la Région ou le Contrôleur civil,

Enclosure 8 in No. 37.

Extract from the "Bulletin officiel" of July 4, 1913.

La Navigabilité du Sebou.

LA Société lyonnaise d'Études au Maroc vient de faire procéder à une intéressante expérience de navigabilité du Sebou.

MM. Riboud et Savigny, administrateurs de la société, ont remonté le fleuve jusqu'à Mechra-el-Attraq—qui se trouve, à vol d'oiseau, à 20 kilom. en amont de Melaïna—à l'aide de deux chalands de 20 mètres de long et 4 mètres de large et portant 35 tonnes de marchandises. Délestés de 20 tonnes à Mégroun, les chalands ont pu poursuivre leur trajet jusqu'à Mechra-el-Attraq, où les 15 tonnes restantes ont été mises à terre.

La Société lyonnaise a établi le point terminus de sa navigation à Si Ali Sellam, c'est-à-dire à 35 kilom. plus loin que celui de la Société l'Omnium.

Partout, sur leur parcours, MM. Riboud et Savigny ont reçu le meilleur accueil des populations riveraines, qui ont manifesté leur joyeux étonnement de contempler des bateaux en cet endroit du fleuve si avancé dans les terres. Le caïd Milani, des Milaïna, entre autres, a réservé à nos compatriotes une réception cordiale.

Le ravitaillement des colonnes du nord va pouvoir se faire, des à présent, par la voie fluviale, et le trafic qui va s'opérer sur le fleuve, appelé à prendre une grande extension, sera un facteur de plus pour le développement de cette région, où les progrès de la colonisation sont rapides et où les terres cultivables prennent de jour en jour une plus value appréciable.

Centre de Mechra-bel-Ksiri.

Le développement de Mechra-bel-Ksiri, situé au gué du même nom sur le Sebou, sur la route de Méhédya à Fez, s'est opéré avec une encourageante rapidité.

Il y a trois ans, les abords du gué étaient déserts. Seuls, quelques indigènes, propriétaires de barcasses, qui louaient d'assez mauvaise grâce leurs services pour traverser le fleuve, y habitaient. On ne trouvaient, à ce point de la route, aucune ressource.

En juillet 1912, un poste du Génie, fort d'environ quatre-vingts hommes, y fut établi. Sa présence modifia profondément les conditions économiques de ce gîte d'étape où, jadis, la vie était impossible pour les Européens.

Aujourd'hui, un sergent d'administration y est installé, ayant pour mission de vendre aux colons et aux voyageurs de passage des denrées alimentaires et du vin de bonne qualité à prix coûtant. L'eau potable, filtrée et limpide, est distribuée gratuitement à tous ceux qui en demandent.

Des exploitations agricoles se sont d'ailleurs installées aux abords du gué. La société de navigation sur le Sebou y a établi une agence, et quelques commerçants ont déjà pris possession des baraquements édifiés à leur intention. Un jardin avec pelouse est en voie de création. Enfin, le Service des Postes et Télégraphes fonctionne normalement,

Mechra-bel-Ksiri est un centre de colonisation qui semble destiné à un avenir florissant.

[*Note.*—For fullest details as to Mechra-bel-Ksiri the "Bulletin officiel" No. 58 of the 5th December, 1913, pp. 531 and 532, may be consulted.]

Enclosure 9 in No. 37.

Extract from the "Bulletin officiel" of January 16, 1914.

RETURN OF SCHOOLS IN FRENCH ZONE OF MOROCCO AT DECEMBER 31, 1913.

SITUATION de l'Enseignement public au Maroc au décembre 31, 1913 : Statistique des Écoles françaises et indigènes.

[*Note.*—"Mçid" means place of Moslem religious instruction; for some cases such instruction is included in the French-Arab schools.]

Localités.	Écoles.	Nombre de Classes.	Nombre d'Elèves.
Rabat	École supérieure de langue arabe et de dialectes berbères—		
	Élèves interprètes titulaires..	..	12
	„ interprètes auxiliaires	..	17
	Auditeurs	..	50
	Écoles de garçons de la Résidence	3	67
	„ de filles de la Résidence	3	81

Localités.	Écoles	Nombre de Classes.	Nombre d'Élèves.
Rabat—*suite.*	École maternelle	2	45
	„ de garçons de Bab-el-Alou	3	91
	„ franco-arabe de garçons et un "mçid"	5	110
	„ ouvroir de fillettes musulmanes	2	18
Casablanca	Lycée de garçons	13	314
	École secondaire de jeunes filles	10	335
	École de garçons du camp (École d'application pour les jeunes instituteurs.)	10	438
	École de filles de camp (École d'application pour les jeunes institutrices.)	6	214
	Groupe scolaire de la Rue de la Liberté (garçons-filles, maternelle)	8	350
	École de la Télégraphie sans Fil	1	91
	Group scolaire de quartier Gauthier	4	160
	École de garçons des Roches-Noires	2	42
	École de filles des Roches-Noires	1	48
	Écoles maternelles des Roches-Noires	1	34
	École franco-arabe (École d'application pour les jeunes maîtres indigènes et deux "mçid.")	7	200
Ber Rechid	École franco-arabe	2	72
Oulad Goufir	„ „	1	28
Oulad Salah-el-Aid	„ „	1	30
Settat	„ „	2	45
	„ française	1	45
Boulhaut	„ franco-arabe	1	28
Fedallah	„ française	1	25
	„ franco-arabe	1	46
Boucheron	„ „	1	19
Ben Ahmed	„ „	1	12
Mediouna	„ „	1	40
Oulad Saïd	„ „	2	36
El Boroudj Salé	„ „	1	17
	„ française de garçons	1	23
	„ „ de filles	1	24
	„ franco-arabe de garçons et un "mçid" (deux ateliers)	4	35
	„ ouvroir de fillettes musulmanes	1	36
Temara	„ franco-arabe, un "mçid"	2	40
Kenitra	„ française	1	30
Meknès	„ „	2	32
	„ franco-arabe	2	30
	„ sénégalaise	1	32
Fez*	„ franco-arable, Andalousine, un "mçid"	4	108
	„ „ Lemtine	1	63
	„ „ Adou	3	119
	„ „ de Fez Djédid	2	41
Mazagan	„ française de garçons	4	105
	„ „ de filles	3	101
	„ franco-arabe, un "mçid"	3	85
Saffi	„ française	2	24
	„ franco-arabe	2	151
Azemmour	„ „ un "mçid"	2	120
Sidi Ali	„ „	1	23
Marrakech†	„ française	2	26
	„ franco-arabe	3	100
	„ sénégalaise	1	20
Mogador	„ française de garçons	3	67
	„ de filles	2	43
	„ ouvroir de fillettes musulmanes	1	12
	„ franco-arabe de garçons	2	48
Dar Zrari	„ franco-arabe	1	30
Dar Gueddari	„ „	1	50
Oudjda	„ française de garçons	2	204
	„ „ de filles	3	155
	„ maternelle	2	87
	„ franco-arabe	3	240
Martimorey	„ française	2	85
Berkane	„ „	2	38
Figuig	„ franco-arabe	2	40
	Total	173	5,695

* Des dispositions sont prises pour recueillir, dans le plus bref délai possible, environ 350 autres enfants qui ont demandé leur inscription. De nouveaux maîtres vont être dirigés sur Fez.

† Des dipositions sont prises pour donner très prochainement des maîtres et des locaux scolaires à 300 enfants indigènes qui ont demandé leur inscription.

Enclosure 10 in No. 37.

List of Bye-laws issued up to December 31, 1913.

October 23, 1912.—Street obstructions and refuse; decisions of Jewish municipality.

November 4, 1912.—Rabies, prevention of; Decision of municipality.

November 29, 1912.—Discharging fire-arms inside town; military regulation forbidding.

November 29, 1912.—Street obstructions; creation of police; sale of alcoholic liquors; taxation of prostitution; registration of births, deaths and marriages; "arrêtés" *re* by Jewish municipality.

February 18, 1913.—"Fourrière règlement" (Lost property office).

April 3, 1913.—Regulations *re* liquor shops.

April 23, 1913.—Stray dogs, decision *re*.

June 2, 1913.—Cleanliness of fondaks, decision *re*.

June 6, 1913.—Registration of lodgers, decision *re*.

August 6, 1913.—Liquor shops, decree *re*.

September 15, 1913.—Lighting of vehicles at night, "arrêté" *re*.

September 27, 1913.—Doctors, chemists, dentists, and midwives, "arrêté" *re* exercise of profession of.

October 3, 1913.—Circulation of vehicles; repression of frauds in connection with foodstuffs, "arrêté" *re*.

October 20, 1913.—Billsticking; closing hours of cafés, &c., "arrêté" *re*.

November 5, 1913.—Closing hours of cafés, &c., "arrêté" *re*.

November 13, 1913.—Rule of the road, "arrêté" *re*.

November 25, 1913.—Stray dogs, "arrêté" *re*.

December 1, 1913.—Tariff of cab fares, "arrêté" *re*.

December 9, 1913.—Pigs, keeping of; alcoholic liquors, taxation of, "arrêté" *re*.

December 13, 1913.—Alcoholic liquors, taxation of, "arrêté" *re*.

December 20, 1913.—Alcoholic liquors, taxation of, "arrêté" *re*.

October 8, 1913.—Close season for game; sehma on Makhzen lands; abolition of payment in kind [?]; travelling by night; burial of dead animals; carrying of arms in country markets, "arrêté" *re*.

List of Bye-laws issued for Mequinez up to December 31, 1913.

December 31, 1912.—Keeping of pigs, "arrêté" *re*.

April 19, 1913.—Regulations *re* liquor shops.

June 14, 1913.—Prohibition of sale of skins of sheep, goats and cows; gaming houses, "règlement" *re*.

July 17, 1913.—Snaring of game, "règlement" *re*.

October 9, 1913.—Doctors, chemists, dentists, and midwives, exercise of professions of, "arrêté" *re*.

October 17, 1913.—Liquor shops, "arrêté" *re*.

January 10, 1914.—"Mahia," sale and manufacture of, "règlement."

Enclosure 11 in No. 37.

Memorandum by Mr. Elphick on Prevalent Conditions at Mequinez.

MEQUINEZ merchants state that there has, as yet, been no change in the character or mode of business done either locally or with European houses. Trade with the surrounding tribes is, at present, practically at a standstill, for, although the tribes in the vicinity have made their submission and the country is now calm, those Berbers who are established in, or have returned to, the neighbourhood are in a state of penury and no trade can consequently be done with them. Those of them who are rich, and with whom the bulk of trade is done in times of peace, have fled and still remain beyond El Hajeb, outside the pacified zone, and are thus cut off from commercial relations with the city.

Little has yet been done at Mequinez in the way of commercial enterprise. One or two indifferent restaurants and hotels have been established; there is a flour mill and a European bakery and also a few European shops and small stores, none of them, however, of any importance.

There is, however, an hotel in course of construction, which should shortly be completed, and which will contain some twenty rooms and be lighted throughout with electricity.

It is difficult to state specifically what new enterprises should succeed, but the openings for these will doubtless become more apparent with the growth of the European colony. This latter is at present composed of persons of the labouring and artisan classes.

The result of a recent census show the European colony of Mequinez to be composed as follows:—

French	320
Italian	29
Spanish	70
English	6
American	7
Greeks	27
Swiss	3
Algerians	40
Floating population	30
Total	532

The public order of the town seems to leave nothing to be desired, the foreign elements being respectable and hardworking. The Moorish population give no trouble whatever, and seem, in fact, to be almost terrorised by the French military administration.

I am informed that the native prison is now kept in a sanitary and hygenic condition, and that a European has been charged with its supervision. Those prisoners who have friends or relations are fed by them, the others are said to be supplied by the Makhzen with regular rations. The prisoners are mostly employed on road work. A register is kept of all convictions and sentences.

A public hospital and free dispensary has been established and also a free Franco-Moorish school. This latter, however, is but poorly attended, and I understand that the only Moors who send their sons there are those who occupy official positions in connection with the French Administration.

The public health generally is good. There has been a certain amount of typhoid fever and also an epidemic of small-pox amongst the native population. Large numbers of these latter present themselves daily at the hospital for vaccination, and it is also hoped to avoid reoccurrences of typhoid in future by assuring the purity of the water supply. At present water is brought to the public fountains by means of an aqueduct from a spring outside the town. It is from these fountains that the main body of the population derive their water supply. Some repairs seem to have been done to this aqueduct, but a certain amount of repairing remains to be done to assure the immunity of the water from outside contamination on its way from the spring.

Some of the houses in the town derive their water supply from private wells. There is besides a spring in the town which has been taken possession of by the French authorities for the sole use of Europeans. A certain number of Moorish notables have also obtained permits to procure their water therefrom.

A broad macadamised road has been made from the gate which gives access into the town from the east. This road passes through Bab Amar, turning southwards until the Bab Dar el Makhzen; there it continues its course westwards through the market place, skirting the Mellah as far as the Mellah gate on the south side of the town. The other streets appear to have been left untouched, but the town is lighted throughout with oil lamps.

Very little building has as yet taken place, but it is probable that next spring "maisons de rapport" will be erected along the main thoroughfare above referred to. It is considered that the space available along the road will be sufficient for all European needs of construction for some time. Prices of land there are very high, ranging from 8*l.* to 20*l.* per square metre. Building materials are also extremely expensive and often of inferior quality, whilst masons demand, and are paid, some 16 fr. per diem.

In the vicinity of the town land cleared and ready for building is worth roughly 20*l.* to 24*l.* per hectare. Uncleared and unprepared lands fetch some 3*l.* to 4*l.*

The rush of speculation is now practically over, and it is unlikely that there will be any further great demand for land outside the town for some time to come, both on account of the lack of complete security outside the walls and of the fact above stated,

that the sites along the main thoroughfare of the town will, no doubt, be sufficient for immediate needs.

There is a scheme on foot to utilise the force of waterfalls at El Hajeb, some 27 kilom. distant from Mequinez, to provide electricity for the lighting of the town, but I understand that no practical steps have yet been taken in this direction.

Roads have been made passable for wheeled traffic between:—

Mequinez–Dar bel Amri (55 kilom.),
„ Petit–Jean (55 kilom.),
„ Tabadout, in the Beni Mtir, viâ El Hajeb (53 kilom.),
„ Fez (57 kilom.),

(these distances are approximate).

The last-named road has been treated in the same manner observable on other routes; that is to say, the bad places only have been improved and all gullys and rivers bridged over where necessary. The bridges are at the narrowest some 10 feet wide, and are capable of supporting at least two tons. In some of the worst places the road has been banked up and metalled and drainage ditches dug on either side. Piles of stones have been collected and are ready by the roadside at certain places, and I understand that it is proposed to proceed with the work of metalling and levelling the road as soon as funds become available through the granting of the loan to the protectorate. This particular road runs mainly through rocky and sandy districts, and should probably prove passable for wheeled traffic throughout the year, even in its present state.

The military railway from Rabat and Kenitra has now reached Sidi Brika, a point some 30 kilom. from Mequinez. The necessary works of levelling and banking up have also been begun from the Mequinez end, and it is expected that the railway will be working up to the latter town by the beginning of March 1914, and thence to Fez some seven months later.

Fez, November 17, 1913.

Enclosure 12 in No. 37.

EXTRACT from Annex II in Supplementary Report of French Chamber's Commission on Foreign Affairs, &c., 1913, No. 3362.

(Valeurs en Francs.)

Ports.	1905.	1906.	1907.	1908.	1909.	1910.	1911.	1912.
COMMERCE TOTAL DE LA ZONE FRANÇAISE: IMPORTATIONS ET EXPORTATIONS réunies (numéraires non compris).								
Rabat	5,272,570	6,715,684	6,118,850	8,039,652	7,098,995	6,917,134	7,847,273	13,537,570
Casablanca	15,449,552	14,076,472	9,268,668	19,068,623	25,759,102	24,311,260	41,916,048	63,266,123
Mazagan	9,632,598	7,086,402	8,417,072	14,149,868	16,947,216	13,278,851	18,984,555	25,276,008
Safi	6,435,351	7,784,771	8,076,368	11,983,662	16,699,249	11,663,698	22,196,040	28,586,810
Mogador	12,731,984	13,174,428	11,606,058	14,355,399	17,820,163	14,120,315	16,988,064	19,900,206
Totaux	49,522,058	48,837,757	43,487,016	67,537,204	84,324,725	70,291,258	107,931,980	150,566,717
Ou	1,980,882*l.*	1,953,510*l.*	1,739,181*l.*	2,701,488*l.*				
Commerce avec l'Algérie					17,184,000	24,347,000	31,767,000	27,171,000
Totaux					101,508,725	94,638,258	139,698,980	177,737,717
IMPORTATIONS de la Zone française (numéraire non compris).								
Rabat	4,291,242	5,152,541	4,718,607	7,192,802	5,705,739	5,679,809	6,555,068	13,096,453
Casablanca	7,031,465	7,872,327	4,594,727	11,809,467	14,374,367	14,374,367	14,570,512	40,181,785
Mazagan	5,571,977	4,781,824	4,438,160	7,043,997	8,530,970	6,226,114	7,628,383	13,255,167
Safi	3,502,859	4,754,181	3,469,635	4,943,975	8,692,531	6,984,876	8,435,264	13,859,416
Mogador	7,026,723	6,669,687	5,049,413	6,475,484	10,275,878	7,185,279	8,116,511	12,086,513
Totaux	27,424,266	29,230,560	22,270,542	37,465,725	47,579,485	40,646,590	52,899,199	92,479,334
Ou	1,096,971*l.*	1,169,222*l.*	890,822*l.*	1,498,629*l.*				
Importations par terre (Algérie)					9,810,000	10,199,000	16,362,000	18,178,000
Totaux					57,389,485	50,845,590	69,261,199	110,657,334
Ou					2,295,579*l.*	2,033,824*l.*	2,770,448*l.*	4,426,293*l.*
EXPORTATIONS de la Zone française (numéraire non compris).								
Rabat	981,328	1,563,143	1,400,243	846,850	1,393,256	1,237,325	1,292,205	441,117
Casablanca	8,148,087	6,204,145	4,673,941	7,199,156	11,384,735	9,740,748	19,752,075	23,084,338
Mazagan	4,060,621	2,304,578	3,978,912	7,105,871	8,416,246	7,052,737	11,356,172	12,020,841
Safi	2,932,515	3,030,590	4,606,733	7,039,687	8,006,718	4,678,822	13,760,776	14,727,394
Mogador	5,705,241	6,504,741	6,556,645	7,879,915	7,544,285	6,935,036	8,871,553	7,813,693
Totaux	21,827,792	19,607,197	21,216,474	30,071,479	36,745,240	29,644,668	55,032,781	58,087,383
Exportations par terre (Algérie)					7,374,000	14,148,000	15,405,000	8,993,000
Totaux					44,119,240	43,792,668	70,437,781	67,080,388

Enclosure 13 in No. 37.

EXTRACT from Annex I in Supplementary Report of French Chamber's Commission on Foreign Affairs, &c., 1913, No. 3362.

Mois.	Rabat.		Casablanca.		Mazagan.		Safi.		Mogador.		Mehdya-Kitra.		Totaux mensuels.		Commerce. — Total de la Zone française.
	Import.	Export.	Import.	Export.	Import.	Export.	Import.	Export.	Import.	Export.	Import.	Export.	Import.	Export.	
	Fr.	Fr.	Fr.	Fr.	Fr.	Fr.	Fr.	Fr.	Fr.	Fr.	Fr.	Fr.	Fr.	Fr.	Fr.
Janvier ..	321,153	8,863	2,055,659	489,526	796,793	645,328	485,030	49,237	711,730	269,386	..	..	4,370,365	1,462,340	5,832,705
Février ..	783,700	3,217	3,130,643	568,888	1,272,000	606,416	856,202	182,353	1,145,636	260,475	..	..	7,188,181	1,621,349	8,809,530
Mars ..	1,585,193	14,670	4,493,433	531,367	1,298,442	254,625	1,308,278	604,265	1,243,535	471,647	..	..	9,928,881	1,878,574	11,805,455
Avril ..	1,245,636	36,337	5,444,553	498,828	1,159,810	186,381	1,477,409	638,505	850,786	726,133	..	..	10,178,194	2,086,184	12,264,378
Mai ..	1,211,532	129,963	6,881,074	564,000	1,127,851	279,107	1,882,712	347,356	1,626,781	400,669	..	..	12,729,950	1,721,095	14,451,045
Juin ..	2,085,895	205,068	5,836,575	1,860,885	1,683,414	471,979	1,778,794	401,992	1,520,700	343,973	337,995	..	13,243,373	3,283,899	16,527,272
Juillet ..	3,106,640	74,188	7,653,792	542,592	1,783,271	324,904	2,580,622	322,253	1,644,608	255,884	87,390	..	16,856,323	1,519,821	18,376,144
Août ..	2,427,363	17,311	6,092,556	782,343	1,454,633	612,147	1,595,979	502,200	1,445,818	1,196,348	187,187	1,415	13,203,536	3,111,764	16,315,300
Septembre ..	3,283,259	39,013	7,142,467	635,330	1,630,939	1,138,156	2,383,926	344,956	1,848,357	1,043,132	140,764		16,429,712	3,200,587	19,630,299
Octobre ..	2,711,947	44,968	6,820,712	558,933	1,606,102	694,816	1,445,205	483,050	1,524,138	549,313	157,455	1,432	14,265,560	2,332,512	16,598,072
Novembre ..	2,301,339	37,139	5,281,700	510,128	2,276,119	756,368	1,850,476	326,479	1,058,963	747,168	295,728	..	13,064,325	2,377,282	15,441,607
Décembre ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Total ..	21,063,657	610,737	60,833,164	7,542,822	16,089,374	5,970,227	17,644,634	4,202,646	14,621,052	6,264,128	1,206,519	2,847	131,458,400	24,593,407	156,051,807
Totaux ..	21,674,394		68,375,986		22,059,601		21,847,280		20,885,180		1,209,366		156,051,807		ou
Ou ..	866,975*l.* 19*s.* 1½*d.*		2,735,039*l.* 8*s.* 9½*d.*		882,384*l.* 0*s.* 9½*d.*		873,891*l.* 4*s.* 0*d.*		835,407*l.* 4*s.* 0*d.*		48,374*l.* 12*s.* 9½*d.*		6,146,072*l.* 5*s.* 7*d.*		6,146,072*l.* 5*s.* 7*d.*

[14877] No. 38.

Mr. White to Sir Edward Grey.—(*Received April* 4.)

(No. 90. Confidential.)

Tangier, March 23, 1914.

Sir,

WITH reference to your telegram No. 5 of the 18th ultimo, I have the honour to report that, speaking of his interview with the French Resident-General when he visited Tangier a few days ago, Sid Ali Zaky informed me that he had strongly urged that the local Moorish officials should be allowed greater independence, pointing out that a very bad effect was produced on natives and foreigners by the interference of the French Agency in all matters, no Moorish official being able to take any step whatever without first consulting M. Malzac, the first dragoman of the French Agency.

General Lyautey replied that this was entirely contrary to his wishes, and added that His Majesty's Government had made a complaint to the same effect, and that stringent orders had been sent to the French Agency to abstain from interference with the native administration. The general sent at once for M. Martin, and spoke to him on the subject in Sid Ali Zaky's presence. M. Martin acknowledged receipt of the instructions in question, and stated that he had communicated them to M. Malzac, who, however, was perhaps still guilty of "trop de zèle."

General Lyautey told M. Martin that this interference must cease; his Government had given assurances that the internationalisation of Tangier was to be genuine, and they were determined to act up to these assurances.

Sid Ali Zaky, to whom I had never mentioned the subject, told me he had himself seen M. Doumergue's despatch to M. Martin on the subject, and that it contained the strictest instructions to abstain from interfering with the local officials in the discharge of their duties. He observed, however, that he was convinced that so long as M. Malzac remained at Tangier the existing state of affairs would continue, and he added that he had said so to M. Martin, who had replied that they would be quite ready to move him did they know of anyone else to put in his place.

I have, &c.

HERBERT E. WHITE.

[16898] No. 39.

Mr. White to Sir Edward Grey.—(*Received April* 17.)

(No. 112.)

Tangier, April 11, 1914.

Sir,

THE agitation amongst the Berber tribes in the French zone from the Atlas to regions east of Fez has now become general, the leading agitators in the different districts having become very active in preaching resistance to the French and exciting religious fanaticism. There has been no actual fighting of any importance except the attack on the French camp at Zrarka, reported in my despatch No. 99 of the 2nd instant, but the situation appears to point to a resumption of hostilities all along the line, and the French military authorities will probably find themselves obliged to undertake some punitive expeditions.

The Tsoul, Branes, Ghiata, and Senhaja tribesmen, who made the attack on Zrarka, have already received a lesson at the hands of the troops sent out to reinforce that post; they were led on into difficult country by a feigned retreat and then attacked.

The plan adopted by General Lyautey for the ultimate occupation of Taza is a gradual advance of converging forces from the south, east, and west, and it was in pursuance of this scheme that Zrarka was occupied. The eastern force is now within a few miles of the point of junction, and the southern column has also moved a step in advance. A halt will now again be made for some time to pacify the districts freshly occupied.

General Lyautey is, I understand, very desirous of making an advance in the Zaian territory and occupying the rich plains on the right bank of the Oum-er-Rebbia to the north of Tadla. This would help to open up the direct road from Casablanca to Mequinez and tend towards the pacification of that region.

An unfortunate incident during the past week was the death of Captain Hervé, who was in command of the Aviation Corps at Casablanca. He started from that place to fly to Fez with a corporal as a passenger, and their bodies were subsequently

found in the country with bullet wounds and stripped of their clothes, but not mutilated. The aeroplane was found at a little distance.

An exchange of courtesies has been taking place on the Algerian frontier between the French and Spanish commanders, General Jordana of Melilla having paid a visit to General Baumgarten at the French post on the Mouluya, cordial speeches being made at luncheon. The French general returned the visit, and there is now talk of his visiting Melilla.

I have, &c.

HERBERT E. WHITE.

[16965] No. 40.

Sir A. Hardinge to Sir Edward Grey.—(*Received April* 18.)

(No. 50.)

Madrid, April 15, 1914.

Sir,

THE French Ambassador and I had an interview with the Minister of State yesterday afternoon, in the course of which he discussed one by one the Spanish objections to our draft convention regarding the Tangier municipality from articles 1 to 22 inclusive.

In regard to article 3, his Excellency expressed a willingness to agree, if we insisted on it, to the concluding words, which he had originally proposed to omit.

In regard to article 13, M. Geoffray contended that the word "concessionnaire" was sufficient, and the Marquis of Lema appeared disposed to yield on this point. In view, however, of the wish expressed by Mr. White and endorsed by you, I said that the addition of the words "et à l'administration" appeared preferable, and his Excellency concurred. M. Geoffray would, I think, accept "ou à l'administration," but he said he must refer the addition of these words, and especially the word "et" instead of "ou," to his Government. The Marquis of Lema proposed, with my concurrence, to substitute for the words "autorité tangéroise qualifiée" the words "le Tribunal international," and M. Geoffray said he would suggest this to his Government.

Article 17 occasioned a good deal of discussion, the Marquis of Lema arguing that its second paragraph was tantamount to the renunciation by Spain of a right bestowed on her by the Franco-Spanish Treaty of the 27th November, 1912, and that he would be attacked for this when the convention was submitted to the Cortes. I suggested that it involved no real loss, as there were no mines in the "Tangier zone." His Excellency said that this was not certain; he had heard that mineral deposits had been found at one point there; but if there were none, what was the point of pressing Spain to surrender a valueless right. I pointed out that it was essential that there should be an equality of obligations as between France and Spain, and I think I may state with confidence that the Spanish Government will, with very little further pressure, yield this point.

We shall, however, have greater difficulty in dealing with article 18. Before our meeting I sent to the Minister of State and to M. Geoffray the private note of which a copy is enclosed herewith, informing them of the addition which I had received your orders to propose. To this addition the Marquis of Lema strongly objected, as a new sacrifice imposed, in addition to so many other alterations in the convention to her disadvantage, upon his country. He said that two alternative texts were before him, and he preferred the left-hand to the right-hand one. I urged, as a Spanish no less than as a general interest, the importance of not crippling the Tangier municipality, but he argued that our fears on this subject were unfounded. The original proposal in the alternative draft under which Spain was called upon to abandon revenue provisionally would be unpopular enough with the Cortes, but what we were now asking was that the sacrifice should be permanent. I said this was a mistake; what we wanted was to enable the municipality to meet the port and railway expenditure; this might prolong but need not perpetuate the period of sacrifice. M. Geoffray was, I think, rather relieved to find that on one point Great Britain rather than France was taking the lead in a proposal objectionable to the Spanish Government, and said that his Government had always preferred the left-hand draft, but had accepted the alternative out of deference to our views. He would submit my proposal to Paris, and ask for further instructions with regard to the whole question.

In article 22 the Marquis of Lema proposed to substitute as the end of the first

paragraph for the words "(5.) L'importance de la navigation: moyenne du tonnage et du nombre de navires," the words "(5.) Moyenne du tonnage. (6.) Nombre de navires."

The object of this alteration was to guard against the possibility that Germany might develop an active shipping trade with Morocco, and that her total tonnage might exceed that of Spain, though there was no likelihood that the number of local vessels of all sizes under her flag would be as great as that of those belonging to Spain. We both saw no objection to this addition, subject to the approval of our Governments.

In paragraph 2 the Marquis of Lema demanded the substitution of twenty-five for fifty. I said I was already authorised to accept this, but M. Geoffray could only promise to submit this point to Paris.

At this point we adjourned. The Marquis of Lema said nothing about the draft of article 5 (religious freedom and worship) which he had talked of discussing, and we decided that it would be best not to raise this question until others of minor importance and difficulty had been settled.

I have, &c.
ARTHUR H. HARDINGE.

Enclosure in No. 40.

Sir A. Hardinge to Spanish Minister of State.[*]

Mon cher Ministre, *Madrid, le* 13 *avril*, 1914.

JE viens de recevoir de mon Gouvernement l'ordre de proposer, à l'article 18 du projet de convention pour la municipalité tangéroise, un nouvel alinéa ainsi conçu :—

"Il est entendu que le montant des droits de douane sur les marchandises en provenance ou à destination des zones françaises et espagnoles sera d'abord affecté à payer les sommes nécessaires pour faire face au charge du port (déduction faite des recettes douanières et du Chemin de Fer tangéroise). L'excédent sera reversé aux autres zones."

Mon Gouvernement estime que cette concession aux intérêts de Tanger, déjà admise tant que le chemin de fer ne fonctionnera pas, ne saurait équitablement être révoquée juste au moment où les charges de la ligne commenceront à peser sur l'administration municipale, sans qu'elles puissent être remboursées par les recettes que percevra celle-ci.

J'ai pensé qu'il serait opportun de vous avertir, ainsi que M. Geoffray, de cette nouvelle instruction avant notre réunion de demain.

Pour ce qui est du projet d'article sur le cadi et le nadir, Mr. White m'avise qu'il n'existe aucun motif pour recruter le nadir parmi les seuls adouls. Ce serait une innovation que rien ne justifie. Il ajoute que le cadi ne nomme point les imans, que choisissent les fidèles eux-mêmes. Il devra en tous cas les consulter, car une mosquée desservie par un iman impopulaire serait vite abandonnée.

Veuillez, &c.
ARTHUR H. HARDINGE.

[18066] No. 41.

Sir A. Hardinge to Sir Edward Grey.—(Received April 25.)

(No. 56. Confidential.)

Sir, *Madrid, April* 19, 1914.

I HAVE received from the French Ambassador a copy of a note addressed by the Prime Minister and Minister for Foreign Affairs to Sir F. Bertie giving his reasons for disagreeing with some of the views which you instructed me to express on the subject of article 18 of the Tangier Municipality Draft Convention.

M. Geoffray seems convinced that the alterations desired by you will be resisted by Spain, while France will, on her side, not find it easy to support them; and that it would therefore be better to adopt the alternative draft of article 18, for which the

[*] Also to M. Geoffray, *mutatis mutandis*.

Spanish Government has expressed preference. He is inclined to suspect that the Marquis de Lema is pursuing in regard to all these questions rather dilatory tactics, and, in the expectation that the present Ministry may be upset on or soon after the debate on the address, is in no hurry to assume any personal responsibility for measures which are likely to be adversely criticised by his political opponents. His Excellency certainly shows no impatience to resume the discussion of last week (this may, of course, be Spanish dilatoriness rather than systematically Fabian tactics), and has so far met M. Geoffray's suggestions as to a fresh meeting by such phrases as "un de ces jours." The absurd rule of most continental Constitutions obliging all treaties and diplomatic agreements to be submitted to the approval of Parliament no doubt favours dealings of this kind, where a Minister, whose own position is shaky, has publicly to defend unpopular provisions which an Opposition can plausibly represent as imposing fresh burdens on the taxpayer; and I think it would be best to sacrifice any new or contentious improvements on which France does not insist rather than risk having to recommence the whole study and discussion of the subject a few weeks hence with a new Spanish Minister of State.

As regards the question of the ulema, I have shown M. Geoffray the draft article prepared by me in accordance with your latest telegraphic instructions (a copy of which I append), and am sending one to the Minister of State. It should, I imagine, satisfy the latter.

I have, &c.
ARTHUR H. HARDINGE.

Enclosure in No. 41.

Shereefian Dahir.

Projet d'Article sur les Ulema.

LE cadi et le nadir de la zone internationale sont nommés par le Khalifa, en vertu d'une délégation spéciale de notre Majesté chérifienne, donnée en notre qualité de chef de la religion musulmane, sur présentation par le Comité de Contrôle.

Le cadi est choisi parmi les candidats ayant justifié par un examen des connaissances juridiques requises. Il nomme, conformément à la loi religieuse, les imans et les adoul.

Le nadir est recruté parmi les adoul.

Le Comité de Contrôle, avant de présenter au Khalifa un nouveau titulaire du poste de cadi ou de nadir, s'assurera que celui-ci jouit de la confiance de la population musulmane. (Il aura le droit de réunir à cet effet et de consulter sur la valeur de chaque titulaire un corps de notables dont le nombre ne dépassera pas quinze, formé par les candidats musulmans qui ont obtenu aux dernières élections pour l'Assemblée municipale les chiffres les plus élevés de voix.[*])

Le Comité de Contrôle peut réclamer du Khalifa la révocation d'un cadi ou d'un nadir indigne.

[18073] No. 42.

Mr. White to Sir Edward Grey.—(Received April 25.)

(No. 116.)

Sir, *Tangier, April* 19, 1914.

I HAVE the honour to transmit herewith copy of a despatch from His Majesty's consul at Casablanca, reporting his first interview with the French Resident-General, who spoke with considerable bitterness of our delay in recognising the protectorate and abolishing the Capitulations. General Lyautey's expressed belief that the recognition of the protectorate must necessarily carry with it the simultaneous abolition of the Capitulations is surprising, as the French Government must have communicated to him the reply of His Majesty's Government that this question would be considered together with the analogous ones arising in connection with the proposed abolition of the Capitulations in Egypt.

[*] Omettre.

General Lyautey's language in regard to the zones of servitude was not of an encouraging nature, he is, apparently, unwilling to act up to the assurance given by M. Jonnart in his note to Sir F. Bertie of the 20th January, 1913 (print of the 28th January, Section 1), "qu'il ne s'agit ici que d'une interdiction temporaire et qui sera levée dès que la pacification du pays le permettra."

I have, &c.
HERBERT E. WHITE.

Enclosure in No. 42.

Consul Shipley to Mr. White.

(No. 65.)
Sir,

Casablanca, April 17, 1914.

I HAVE the honour to report that on the occasion of my first call on the French Resident-General commanding-in-chief in Morocco, General Lyautey after a few very short remarks in which he expressed satisfaction at the good relations which had always existed between himself and my predecessor, proceeded in a spirit of considerable bitterness to comment on the refusal of His Majesty's Government to recognise the French protectorate over Morocco. He could not understand, he said, the action of a member of the Triple *Entente* refusing France what the Triple Alliance had accorded her, and that for reasons which were insignificant compared with the work of civilisation which his country had undertaken and which was being so sadly impeded by the action of the British authorities.

I said I trusted that his Excellency had no grounds for saying that the French authorities were impeded in their work by any action on the part of the British consular officers in this district. General Lyautey answered with emphasis: "No, but we have grounds for complaint against your Government, and that though we grant you all facilities and are continually striving to settle all the questions which may arise locally." He added that we were, however, nearing the end of the present situation, as it was only a question of weeks before the protectorate was recognised and the Capitulations abolished. I asked his Excellency whether he anticipated that the one and the other would be simultaneous, and he replied: "That goes without saying."

I then mentioned to General Lyautey the question of the lands within the zones of military servitudes, and asked him whether any reduction of these zones was contemplated, as the present regulations, if applied, would entail considerable loss on certain British subjects. I had no intention of touching on this subject with the General until he spoke as above reported, but when he congratulated himself on the approaching recognition of the French protectorate and abolition of the Capitulations, and on the absence of any outstanding question between the French authorities and ourselves, I thought fit to remind him that there were, after all, one or two matters which required further elucidation.

General Lyautey refused, however, to discuss any question such as that of the military servitudes with me, but said he would send M. Sorbier, "chef du Bureau diplomatique," to do so. In thanking his Excellency I drew his attention to the fact that I was not responsible for the turn our conversation had taken.

General Lyautey did not by any means give me the idea that he agreed with his Government, which is reported in your despatch No. 35 of the 24th last to have stated that the measure concerning the military zones is a provisional one, or that he contemplated the possibility of these latter being abolished. On the contrary, he said the present servitudes were the irreducible minimum necessary to the safety of the country, and greatly regretted that they had not been created by his predecessor and made both larger and more numerous.

I have, &c.
AVALON SHIPLEY.

[21276]

No. 43.

Sir F. Bertie to Sir Edward Grey.—(Received May 13.)

(No. 237.)
Sir,

Paris, May 12, 1914.

I HAVE the honour, with reference to my despatch No. 223 of the 30th ultimo, to transmit to you herewith copy of a note from the Minister for Foreign Affairs, informing me that MM. Mesnier and Hersent, in offering a seat on the board of the Port Company of Fedallah to a British subject, had no intention whatever of seeking to evade the official adjudication of public works by means of a previous understanding between the French, German, and British subjects, but that their only object was to facilitate Anglo-French co-operation and to secure the support of the French and British representatives on the Adjudications Commission when tenders had been submitted.

M. Doumergue adds that the French Government is firmly resolved to maintain the principles embodied in the treaties in respect of the adjudication of public works.

I have, &c.
FRANCIS BERTIE.

Enclosure in No. 43.

M. Doumergue to Sir F. Bertie.

M. l'Ambassadeur,

Paris, le 9 mai, 1914.

PAR sa dépêche du 29 avril, votre Excellence a bien voulu me faire savoir que MM. Mesnier et Hersent, de la Compagnie du Port de Fedala, avaient offert dans le conseil d'administration de cette société une place d'administrateur à un sujet britannique, en lui laissant entendre qu'un accord entre les Gouvernements français, allemand et anglais dans cette affaire aurait pour résultat d'empêcher l'adjudication des travaux. Le Gouvernement Royal, fermement attaché aux principes posés par l'Acte d'Algésiras en matière d'adjudication de travaux publics, ne doute pas que le Gouvernement de la République ne partage son sentiment sur ce point.

Je m'empresse de porter à la connaissance de votre Excellence que M. Hersent a déclaré à mon Département que la démarche qu'il a faite auprès d'un haut fonctionnaire de l'Ambassade britannique n'a pas le caractère qui lui a été prêté. M. Hersent n'ignore pas que l'Acte d'Algésiras impose pour les travaux publics le recours à la procédure de l'adjudication, et il n'a jamais eu la pensée que par le moyen d'ententes préalables entre le Gouvernement français et les Gouvernements allemand et anglais la Société du Port de Fedala pourrait se dispenser des adjudications officielles.

En faisant part de son désir de voir un ressortissant britannique entrer dans le conseil d'administration de la société, M. Hersent n'a eu qu'un but, celui d'intéresser des capitaux anglais à cette affaire, afin de faciliter lors des soumissions aux adjudications publiques des combinaisons légitimes franco-anglaises et de s'assurer dans la Commission des Adjudications de Tangier le double concours, en cas de besoin, des représentants de la France et de l'Angleterre.

Je ne doute pas que les explications qui précèdent ne donnent toute satisfaction au Gouvernement britannique, et je suis heureux de lui renouveler à cette occasion l'assurance que le Gouvernement de la République est, comme le Gouvernement du Roi, fermement décidé à maintenir en matière d'ajudication des travaux publics les principes posés par les traités.

Agréez, &c.
GASTON DOUMERGUE.

[25897]

No. 44.

Sir Edward Grey to M. Cambon.

Your Excellency,

Foreign Office, June 9, 1914.

I HAVE the honour to refer to your Excellency's memoranda of the 3rd October and 7th November, 1913, stating, respectively, the desire of the French Government that His Majesty's Government should assent to the abolition of the Capitulations in Morocco, and the objections of the French Government to assent, without more detailed information, to the similar intention of His Majesty's Government in Egypt. I have

deemed it advisable to reply to these two notes together owing to the interdependence of the two questions with which they deal. This connection was referred to in the note which I had the honour to address to M. de Fleuriau on the 21st October last; and indeed the French Government, by your Excellency's memorandum of the 17th February, 1913, were the first to recognise the relation between the British Government's reception of the French desiderata in Morocco in regard to the Capitulations and that reserved by the French Government for those of His Majesty's Government in regard to Egypt.

Your Excellency's last-mentioned memorandum is, in substance, an assurance of the favourable disposition of your Government to the principle of the British proposal; but it lays down, at the same time, the objections of the French Government to its acceptance without ampler and more elaborate information respecting the future régime in Egypt than is contained in the draft articles communicated by His Majesty's Ambassador at Paris in October 1912.

These objections it was sought to remove in my memorandum of the 6th May, 1913, which, at the same time, explained the objections foreseen and entertained by His Majesty's Government to fixing over-definitely in advance the details, as opposed to the broad lines, of a scheme necessarily in some respects experimental at the outset, or at least susceptible of remodification.

On the 3rd October last your Excellency communicated a note, covering the text of the Presidential decrees and Shereefian dahirs instituting the new judicial régime in Morocco, and asking for the assent of His Majesty's Government to its application to British subjects.

On the 7th November your Excellency also communicated the reply of your Government to my memorandum of the 6th May, containing further criticisms of the proposals of His Majesty's Government, together with the reservation that these criticisms were not exhaustive, but confined to the more important questions suggested by the British scheme and the explanations offered in support of it.

With a view to do all in their power to satisfy the French Government, His Majesty's Government accordingly decided to waive their preference for confining their draft proposals to broad principles, and I instructed His Majesty's Agent and Consul-General at Cairo to entrust to the legal advisers of the Egyptian Government the task of preparing drafts of the actual conventions, laws, and decrees. Lord Kitchener therefore appointed an expert committee to draw up in detail, as far as possible, proposals in regard to judicial organisation and the law and procedure to be applied when the Capitulations cease to exist. I hope shortly to receive the report of this committee, one of whose members will, if necessary, be ready to proceed to Paris to discuss the elaborated proposals with the representatives of the French Government. It is thus hoped at no distant date to furnish the French Government with information respecting the initial intentions of His Majesty's Government in Egypt in a degree of detail approaching, though not equalling, that offered to His Majesty's Government in the enclosures to your Excellency's note of the 3rd October.

On those enclosures I propose to offer some comment, in order to make clear the relative positions of the two Governments in regard to their kindred projects. I should, however, wish to preface my remarks by emphasising the fact that they are not made in any captious spirit, or with the least wish to complicate or enlarge the legislative task of France in Morocco, or to retard my eventual acceptance of the French requirements. They are, on the contrary, only suggested by a friendly consideration of those desiderata, having regard to the corresponding proposals of His Majesty's Government in Egypt; and I would cordially reciprocate and adopt the observation in your Excellency's memorandum of the 7th November, that the following observations are not intended to be exhaustive criticisms of details, into which, indeed, I do not propose to enter, but are put forward as illustrations and instances of certain tendencies or lacunæ which seem to require fuller consideration.

To begin with some minor instances, it may be remarked, with reference to the chapter of criminal law, that, since the French Penal Code is to be applied, it would apparently be possible, among other things, for Englishmen to be transported to the French penal settlements in the tropics. Some enquiry seems to me necessary on this point.

In the domain of maritime law it is explained that its codification has been postponed. Some provision would, however, seem to be necessary for the case of arrest of ships.

Again, in regard to the law as to landed property, it may be observed that, as the Courts now being instituted are not at once to have jurisdiction throughout

the entire country, the immediate abandonment of treaty rights would allow of disputes as to land situate outside the jurisdiction of the Courts being compulsorily referred to commissions appointed *ad hoc* in virtue of further legislation. It is conceivable that such a system might be open to grave objection.

To pass to weightier considerations, it may be remarked that, in the new organisation established by the French Government in Morocco for French citizens which it is desired to extend to British subjects, important parts of the Civil Code appear to be unrepresented. In this new legislation obligations and contracts alone are dealt with. All that relates to immovable property, to mortgages, or to privileges or real rights of whatever nature, appears to have remained outside its scope. It is not clear what legislation is applicable to these most important matters, which are of great interest to foreigners. A general law, dealing with the matters aforesaid, appears to be lacking.

Again, the subject of limited liability companies, which will closely affect the position of foreigners as soon as foreign capital flows into these regions under the stimulus that the establishment of the French protectorate will naturally apply to general trade, does not appear to be adequately dealt with in article 51 of the Commercial Code.

Moreover, it is observed that all the judges and all the functionaries of the court registries and other officers, the language also of the Court itself, are to be exclusively French. The tribunals have only this one element, without any international character whatever. So with regard to the bar: no foreigner not possessed of a French diploma is to be allowed to practise in the Moroccan Courts, however distinguished he may be as an advocate in his own country; and the penalties, provided in article 47 of the Code of Procedure for anyone, including a foreigner, who wrongfully—and perhaps quite innocently—assumes the style and title of advocate, appear excessive. The requirement of a French diploma practically excludes all foreigners. In Egypt, on the other hand, foreign advocates, who reside there and have practised in their own country for five years, are admitted at once to plead before the highest Court of the Mixed Tribunals. In regard to the Courts themselves, His Majesty's Government are proposing to retain in Egypt the international and essentially mixed character of the tribunals which are to administer justice as between Europeans or Europeans and natives, both in civil and commercial affairs. In both these categories, though there is always to be a European majority on the bench, or a single European judge, unless the parties choose to submit their differences to native magistrates, no requirements as to the nationality of the European members have been imposed. In criminal matters, too, the Moroccan system provides that, if there is a single French citizen among the accused, all six assessors are to be of French nationality, even though all the other accused may be of British or any other nationality, while there are never to be less than three French assessors in any case, even where none of the accused persons is French. These provisions may be compared with the Egyptian scheme, which offers perfect equality of treatment for all nations, merely requiring four European assessors, in cases where all the accused are Europeans, or two Europeans and two natives, if some of the accused are natives, irrespectively of the particular nationality of the Europeans concerned. From the foregoing it will appear that there are, in the French scheme, restrictions and a certain exclusiveness which find no part in the proposals of His Majesty's Government. The judicial languages in Egypt are to continue, as at present, to be four in number—English, French, Italian, and Arabic. For judges in Egypt no national distinctions have been made. They will be recruited impartially from the various countries of Europe, without any preferential treatment in favour of Great Britain, who asks no privileges for Englishmen.

Once more, as regards the legislative system adopted—and this is a matter of real moment—it may be pointed out that the proposals for Egypt compare favourably with the system promulgated in Morocco. In your Excellency's memorandum of the 17th February, 1913, great stress was laid on the absence of any information as to the nature of the future legislative system in Egypt. I would refer more particularly to paragraphs 8, 9, 10, and 11 of that memorandum, which ask for explicit guarantees on this point. What, then, it may be asked, are the guarantees furnished by the French Government to the British Government as to the proper exercise of legislative powers by the Shereefian Government in Morocco? The enquiries contained in the above-mentioned paragraphs might, in fact, be addressed almost verbatim to the French Government. I am not aware that any kind of guarantees, or even assurances, at all corresponding with those given in articles 9 and 10 of the draft submitted to the French Government are being furnished on these points.

At present the legislative powers of the French Government in Morocco appear to be unrestricted in any kind of way, the enactments of the Shereefian authorities being simply rendered operative by an act of the French executive, viz., the simple visa of the French Resident-General, who is empowered, by the treaty between France and Morocco of the 30th March, 1912, to approve and promulgate all the decrees of His Shereefian Majesty. It would appear, therefore, that the proposed Egyptian legislative system offers at any rate greater guarantees than any which are given by the French Government in Morocco. In Egypt, all laws will have to be submitted to the Legislative Assembly, and so far as such laws are to be applicable to foreigners they will require the specific assent of His Majesty's Government. This is a safeguard fully as satisfactory as the approval of the French Resident-General in Morocco. Express guarantees are, moreover, given, in articles 9 and 10 of the declaration, as to equality and uniformity of treatment for Europeans, as well as their right to treatment as favourable as that enjoyed by natives of the country. None of these guarantees finds a counterpart in the Moroccan system.

I feel impelled to draw attention to some of these lacunæ and to establish this comparison, not, as already stated, from any desire to cavil at the scheme which the French Government has asked His Majesty's Government to accept, but in view of the apprehensions and criticisms expressed by the French Government in regard to the alleged lacunæ and lack of sufficient guarantees in the Egyptian proposals of His Majesty's Government. What the French Government ask for, are guarantees equivalent to those which they are expected to renounce, this. and the anxiety as to the future position of French citizens in Egypt, being, as stated in your Excellency's memorandum of the 17th February, the only motive of their criticism and the only ground for their apprehension.

His Majesty's Government are not disposed to harbour similar apprehensions in regard to the future of British subjects in Morocco. They have felt that, if the French scheme as a whole is one that they may in principle approve, a large discretion as to details may properly be left to the French Government. The real guarantee for the equitable application of such a scheme to British subjects must be the good-faith and good-will of the French Government, and the capacity to translate that good-will into legislation and practice. In these His Majesty's Government have full confidence. Similarly, since what is really required in Egypt is that in future the assent of His Majesty's Government to any particular piece of legislation should take the place of that of all the Treaty Powers in that country, the real guarantee for the security of French citizens, as of all other foreign subjects under the impending new régime is the no less reliable impartiality and capacity of His Majesty's Government.

The legislative system laid down for Morocco practically confers absolutely unlimited sovereign control on France in that country, far wider powers, in fact, than His Majesty's Government are asking for in Egypt. His Majesty's Government are far from wishing to make a point of this difference; they recognise, indeed, that disparity in the two sets of proposals is in a certain sense inevitable; for France is establishing in Morocco a protectorate, which His Majesty's Government is not establishing in Egypt. But such disparity arises directly out of the relative conditions of the protected and of the occupied country and only serves to emphasise the moderation of the desiderata of His Majesty's Government in regard to Egypt.

In spite of various outward similarities between the two Moslem countries, there are such profound differences in their level of civilisation and development that it is somewhat difficult to establish any close analogy between them. Any such comparison would naturally be to the advantage of Egypt, but whilst it is not proposed here to enlarge upon this subject, it is desirable to touch for a moment on a few instances germane to the present argument. In Egypt a prolonged period of contact with civilisation and educational facilities have produced a critical attitude and faculty in a considerable portion of the population. There is a varied and cultured cosmopolitan element, which has a full share in a large and developed body of public opinion. This public opinion is represented, to take one example, in a widespread and polyglot press, which takes an increasingly intelligent interest in new laws and institutions of every kind, and debates and criticises them with considerable freedom. To say nothing of the foreign element, the men who compose the Cabinet itself, and others who may be said to represent the parliamentary opposition, as well as many of the high functionaries and the wealthy and independent notables of the country, together with members of such a profession, for instance, as the Bar, nourished on the experience of at least two generations, approximate, in education and ability, to the corresponding classes in Europe. From a purely logical point of view, it would seem more reasonable and

justifiable that, with such numerous checks and safeguards against arbitrary or ill-considered action on the part of the Government, Great Britain should be granted the very moderate degree of freedom and independence, for which she is asking in Egypt, than that practically unlimited legislative powers should be conceded to France in a country where none of such checks and safeguards exist. In point of fact, the one serious guarantee which His Majesty's Government is asked to accept against unwise legislation in Morocco is the ultimate responsibility of the French Government. Even if no count be taken of the above-mentioned safeguards, the proposals of His Majesty's Government amount, in reality, to at least an equal guarantee—the ultimate responsibility of His Majesty's Government in Egypt.

While, therefore, the guarantees offered by His Majesty's Government are in this respect certainly not inferior to those offered by France, they are in another respect, even in the outline hitherto submitted to the French Government, considerably superior. On this point I feel justified in laying some stress.

While the new French legislation allows to British subjects most-favoured-nation treatment, and gives them a position differing but little from that of French citizens, no assurance is offered that their position shall not be altered for the worse by subsequent legislation. On the other hand, it may be pointed out that the Egyptian proposals of His Majesty's Government do, in fact, largely consist of precisely such assurances, unlimited as to time. And the equality, if not the superiority, of the British guarantees may here again be emphasised by repeating that, while the French proposals have been laid before His Majesty's Government in great detail as regards contracts, obligations, and commercial affairs, these have not yet touched upon the question of administrative law, which is of such capital importance for the property-holder and the business man. Whenever such matters are taken up, I am unable to see, in the composition of the Consultative Committee of Legislation for Morocco, anything of a nature to add to the one serious guarantee which, as already demonstrated, resides in the ultimate responsibility of the French Government. As a matter of argument, the lack of guarantee, of which the French Government have complained in the first draft of the British proposals, might not unreasonably or with less force be objected to the Moroccan legislation of the French Government in its present form.

The Egyptian proposals will before long come before the French Government in a form of greater elaboration. As previously indicated, however, it must not be taken for granted that they will contain a degree of detail fully equal to that of the decrees and dahirs submitted by your Excellency to His Majesty's Government, and this for a reason which I think well to explain now and in advance of their presentation.

In Morocco France finds herself on practically virgin soil. It is comparatively easy for the French Government to implant in a sparsely populated and almost totally illiterate country, hitherto unprovided with even a passably adequate legal system, an entirely new organisation of French law courts, without coming into conflict with any vested rights. In Egypt, on the other hand, Great Britain finds herself in occupation of the most densely populated country in the world, one which is, in many respects, far advanced in civilisation, and which is endowed with a network of law courts of various classes and denominations, which constitute the most complicated judicial Babel in existence. In the legislative sphere a similar state of things is apparent, that is to say, a *tabula rasa* in Morocco, contrasted with a plethora of legislation in Egypt. The French Government have been able, therefore, to launch without material difficulty, and unhampered by the resistance of a local Government or an articulate public opinion, an entirely new *corpus juris* for the government of the new protectorate. The contrast between this situation and that of Egypt is indeed great. In Egypt there have been in existence for a period of from thirty to forty years two distinct sets of codes, mixed and native—civil, commercial, criminal—together with a collection of laws and decrees which run to some forty volumes, and law reports of decided cases which are equally voluminous. It is now proposed to take power to improve this vast and unwieldy body of legislation, to remedy its defects, and to supply its omissions by a less hopelessly dilatory and cumbrous procedure than the only one hitherto open to the Egyptian Government.

The points of contrast between the two countries could be indefinitely multiplied. Enough, however, has been said to show that the French Government start in Morocco, so to speak, in open country, whereas in Egypt His Majesty's Government are upon ground already so much covered as to be tangled. Much must therefore necessarily depend—and this far more for the future convenience of a complicated society than from any egoistic wish of His Majesty's Government for a free hand—on the experience

gained in the working of the new system which His Majesty's Government intend to introduce into Egypt during the first years after its inauguration. It was, for instance, with the view of leaving to the early development of that system as much elasticity as possible that His Majesty's Government have not proposed the immediate and total abolition of the Consular Courts, but contemplate rather that they should be allowed to exist, in the terms of article 12, for a period of three years after the extinction of the Capitulations, in order to give time to profit by working experience before dealing definitely with such a matter as personal status.

It is clearly, then, more difficult for His Majesty's Government than for the French Government to lay down the hard-and-fast lines of a new régime for the future—even for the immediate future. It has been pointed out already that the French Government does not bind itself for the future in this respect. His Majesty's Government thoroughly appreciate this attitude and the reasons for it. But they must, in their turn, formally reserve their freedom to make such subsequent changes in the new order of things in Egypt as experience may have shown to be necessary in the interests of that country, including its European residents, and to do so as soon as that experience has been gained. To put the matter more clearly: His Majesty's Government are perfectly prepared to lay before the French Government, and the other Governments concerned, in such detail as is possible their scheme for the régime that is to follow the disappearance of the Capitulations. Obviously, however, His Majesty's Government cannot undertake that this scheme will be unalterable, nor can they undertake that, if and when in the future they may become convinced of the necessity of a modification, they will continue to apply to fifteen Powers, or to any Power, for authority to put it into execution. To admit such a possibility would be only to erect a fresh barrier to progress. The guiding principle of His Majesty's Government, in matters of this nature, has always been that, if in a foreign protectorate the treatment to be accorded to the subjects of the protecting European State is equally and impartially applied also to British subjects, and if such treatment is in accordance generally with the system of laws and procedure obtaining in the protecting State itself, then His Majesty's Government would accept such treatment as satisfactory in the circumstances for British residents in the protectorate. Applying this rule to the case of Egypt, His Majesty's Government expect that conditions, considered by them satisfactory in application to British subjects there, should also be considered good enough for the subjects of other European Powers. In other words, once more, the real reciprocal guarantee possessed by either Government in these two cases is the honesty and capacity of the other.

In the face of the above explanation, the importance of the guarantees for the future, on which such stress is laid in your Excellency's memoranda, cannot but appear sensibly diminished.

France, then, has not bound herself for the future, nor is it the intention of His Majesty's Government to make any request in this sense. They expect the French Government to examine their impending proposals in a similar spirit. I hope that the parliamentary difficulties alluded to in your Excellency's memorandum of the 7th November will disappear in view of this explanation and of the detailed information that will shortly follow it. Should, unhappily, any traces of objection persist, I cannot but feel that they might be overcome, if it was clearly realised, as it should reasonably be, that the recognition by France and Great Britain of the abolition of the Capitulations in Egypt and Morocco respectively is a matter of reciprocity, and that, anxious as are His Majesty's Government to meet the wishes of the French Government in Morocco, they would naturally look to the French Government simultaneously signifying its assent to the desiderata of His Majesty's Government in Egypt. It would no doubt, to either party, be a matter of inconvenience and regret that any unnecessary delay should supervene in the assent of the other.

It might also be that parliamentary explanation would be facilitated, if a brief allusion were made to a certain misapprehension as to the existing position which appears to underlie your Excellency's memoranda, wherein it seems to be assumed that the Khedivial Government do not already possess any substantial power in legislating for foreigners. This widespread but erroneous view is perhaps attributable to the fact that the attention of European Powers has been concentrated on modifications of the mixed codes, and that they are not fully conversant either with the nature of the administrative legislation of Egypt, and of the powers of the Khedivial Government with respect thereto, or that exact account is not taken of the true scope of the Capitulations themselves, which conferred upon foreigners the benefit of certain limitatively defined exemptions, and left them in all other respects amenable to the ordinary law of the country. It may here be parenthetically remarked that this

situation still exists without material modifications in Turkey, a fact which does not lend colour to the apprehension expressed in the 9th paragraph of your Excellency's memorandum of the 7th November as to the unfavourable effect likely to be produced in Turkey by the sight of legislation applicable to foreigners being discussed in a purely native legislature. Even were this not so, there is little real analogy to be drawn between Turkey and a country like Egypt or Morocco in the occupation of a great Western Power, who is responsible for all that is done there.

To return to the legislative powers of the Khedivial Government, it is a fact that, despite abusive extensions of the Capitulations, the burden of proving the existence of exemptions has always remained upon the foreigner. The Government is free to issue and to enforce against foreigners all regulations which do not violate a right conferred by the Capitulations or conflict with a provision of the mixed codes. The legislative powers remaining to the Khedivial Government are, in the aggregate, not inconsiderable. I do not propose here to labour this point, but there is in my Department ample material to demonstrate and exemplify the fact that that Government possesses fairly extensive and varied powers in legislation applicable to foreigners by decree, whether discussed in the native Legislative Council, or published in a form which requires no such discussion, does not need to be approved by the Mixed Court, and becomes law by the sole will of the Khedivial Government. I hold this material at the disposal of the French Government in case it should be required.

Such being the present situation, I hope that the future position of French citizens in Egypt, under the control and responsibility of His Majesty's Government, will give rise to no undue anxiety on the part of the French Government and Chambers when, as will shortly be the case, the British proposals come to be more fully understood. Such British control and careful supervision is guaranteed by article 9 of the draft already submitted. A clearer definition is desired in your Excellency's memoranda. It is no tout of place to remark that Great Britain has now for ten years past accepted the formal responsibility for the good government of Egypt. The experience of every British colony proves that foreigners are, in general, well content to accept as adequate the guarantees of good government provided by British dominion, even though in these colonies they are, as aliens, disqualified from taking any part in deciding upon the laws by which they will be governed. Upon that general principle, *mutatis mutandis*, the French Government rely in asking His Majesty's Government to accept the institutions created in Morocco. The responsibility already accepted by His Majesty's Government will assuredly not be less clearly realised or less conscientiously and thoroughly exercised on the disappearance of the superannuated régmie of the Capitulations.

In conclusion, I would express the hope that the French Government will acquit the foregoing observations of any spirit of controversy. They are offered purely as a preface to, and with the aim of facilitating the study of, the ampler information which the French Government have demanded, and which I shall shortly be glad to lay before them.

I am, &c.
E. GREY.

[26317] No. 45.

Sir A. Hardinge to Sir Edward Grey.—(*Received June* 12.)

(No. 96.)

Sir, *Madrid, June* 9, 1914.

MY telegram No. 17 of to-day's date will have informed you of the main outlines of our yesterday's discussion with the Minister of State respecting the draft convention and Dahir for Tangier. On article 13 of the draft convention the insertion of the words "et à l'administration" after the words "ce port" was accepted, and the Marquis of Lema proposed, and I supported, the substitution for the words "autorité tangéroise qualifiée" of the words "tribunal international." M. Geoffray pointed out that a vaguer expression had been deliberately used because the authority which would deal with disputes would vary according to the nature of the disputes themselves, of these some would have, according to the "cahier des charges," to be referred to arbitration, others arising out of instructions given by the municipality, might have to be referred to that body, others again, but by no means all, could only be dealt with by a Court of Justice. For this reason the expression "autorité tangéroise qualifiée à cet effet" was the most comprehensive, including as it did the International Tribunal, but not necessarily bringing that body into the field in every conceivable

case of divergent claims and views. The Marquis of Lema agreed, and suggested the words "qui de droit," which the French Ambassador accepted, as an equivalent of our original text. I did not think I need oppose this, as your suggestion of "the International Tribunal," in the memorandum of the 24th February, was only made in deference to Spanish objections to our old wording "autorité tangéroise," &c., which was equally well expressed by "qui de droit," and in fact if anything better, because it covered the case anticipated by the "cahier des charges" of a private or external arbitrator, who could not, strictly speaking, be described as an "autorité tangéroise."

Some difference of opinion was found to exist between the French and Spanish representatives in regard to the exact wording of article 25 (Public Works). I repeated the suggestion contained in your memorandum of the 24th February, but said that as regarded the allocation of duties of the French and Spanish engineers respectively, we were ready to concur in a settlement acceptable to France and Spain alike. Such a settlement will, I hope, as it appears now to be a matter mainly of drafting, be attained at our next meeting.

In regard to article 28 (The Hague Tribunal) it was clear that the Spanish Minister of State, or his advisers, had misapprehended its real purpose, and though he answered that he agreed to it "provisionally," his acceptance may, I think, be regarded as definite.

We then proceeded to the discussion of the Dahir. The Marquis of Lema withdrew his objections to article 1, but invited further explanations as to the meaning of, in article 3 (Native Administration), the words "les formes traditionnelles." These were given him by M. Geoffray, and he said he would think them over, and reply next day.

All the remaining articles of chapter 1, 2, and 3 were then agreed to. Spain's objection in article 7 to the words "troupes de police nécessaires pour la défense de son territoire," was rather characteristic of Spanish susceptibilities. It was founded on the idea that the Tangier zone being an enclave in the Spanish one, it could only contemplate an armed attack on the part of the Spanish authorities, and that the Cortes might think Spanish acquiescence in such an hypothesis undignified ("indecoroso.") I explained that the danger against which it sought to provide was in reality one of native raids or risings, but that if it was understood that the police might be used to repress these, to which the Marquis of Lema assented, the words "pour la défense de son territoire," might be struck out as superfluous.

In the last paragraph of article 14, the French Ambassador proposed, and the Marquis of Lema agreed, to substitute for a reference to the regulations of the Board of Health and Cape Spartel International Commission, a description of the actual mode of selecting the President and Vice-President of the Committee of Control without actually mentioning those bodies; the latter would probably be absorbed by the municipality, and would cease to act under their old form. It would thus be more dignified and convenient to indicate *totidem verbis* the procedure for selecting the President and Vice-President of the Committee of Control than to refer to those of the Boards of Health and of Cape Spartel.

In chapter 4, article 19, the old question of the Khalifa's nominee in the Municipal Assembly gave rise to a prolonged discussion, and the Minister of State said that if all that was wanted was to save the Sultan's face, the Khalifa's nominee might be made "Honorary President" without a vote. I said that you had already rejected that suggestion when made by me, and that the moment the Khalifa himself had a vote, as representing the Sultan, who was moreover a party to the Act of Algeciras, in the Committee of Control, I did not see how we could refuse to his delegate in the Assembly a right granted to those of every other signatory Power, nor could I regard his presence as a serious disturbance, for the benefit of France, of the balance of power in the Municipal Assembly containing thirty-five members. As his Excellency still maintained that it would be so regarded by public opinion in this country, I asked if instead of reducing, as the French had offered to do, the Moslem elected members who might be supposed to be under the Khalifa's influence by one, we assumed that these members would develop a certain independence (and this seemed to have been his Excellency's view when he argued that the Ulema should be chosen by the Mussulman electorate), the return of a third Moslem elected delegate, to balance the Khalifa's nominee, would meet his views. He said that he would consider this point; no one can of course tell for certain how the Moorish element, under the new conditions of government will really vote, or how long it will continue to revere the Sultan and the Khalifa, when it realises that they are really Roumi puppets. Perhaps if it is mainly a question of appearances and impressions on the Cortes and the newspapers, Spain's acceptance of article 19 might be made easier by omitting the mention of the Khalifa, and simply saying: "Douze sont nommés par les représentants du Comité de Contrôle des Puissances signataires de l'Acte d'Algésiras, et sont respectivement désignés par chacun d'eux," but although this would cover the Khalifa, the French might think the form derogatory to the dignity of the Sultan.

An understanding was arrived at with regard to article 22 (Appeals to the International Tribunal against the exclusion of a member of the Municipal Assembly), but it was agreed to redraft the text at our next meeting. In regard to article 37 the Marquis of Lema waived his original demand that appeals against the revision of electoral lists by the special commission should lie, not to the civil appeals division, but to the full International Court.

In article 30 we all agreed to the substitution suggested by the French Ambassador of the words "Israélites étrangers" for the more cumbrous "Israélites ressortissants des Puissances signataires ou non signataires de l'Acte d'Algésiras."

In article 64 (election of President and Vice-President of Municipality) we inserted a description of the electoral procedure originally contemplated for the election of the President and Vice-President of the Committee of Control. The latter being under the newest draft Dahir no longer elected but appointed by rotation of the first sentence of article 64 as it stands makes nonsense and had remained unaltered only owing to an oversight. We also inserted in paragraph 2 of article 66 (Public and Secret Sessions) the words "publiques" after "séances," so as to make it clear that the records of the Secret Sessions mentioned in the previous paragraph could not be communicated to any persons asking to see them. In article 72 (matters requiring sanction of Committee of Control) we agreed to substitute in paragraph 2 the word "et" after "échange" for the word "ou," and in article 78 (budget) to maintain the distinction which had somehow slipped out of the text, between the "Domaine Makhzen" (*i.e.*, the original domaine of the old Moorish Government) and the "Domaine municipal" (*i.e.*, the subsequent acquisition by purchase, expropriation and so forth of the Tangier municipal administration). There was some discussion as to the use of the term "administrateur en chef" as a designation of the president of the Municipal Commission after a dissolution of the Municipal Assembly, to which exception had been taken by the Spanish Government, and a further consideration of this objection was adjourned until our next meeting.

That meeting is, I believe, to be held this evening, and we shall doubtless reach in it the questions of the Ulema and the police, both of which are likely to occasion some, I trust, not insuperable difficulties. There will still remain over the question of article 8 (religious liberty and worship), and we shall have to consider whether we shall attempt in this connection to arrive at an agreement about the privileges of the Spanish Franciscans or content ourselves with some general formula, leaving the question of Franciscans versus other Roman Catholic churches to be settled by a separate understanding between the three Powers most directly interested in the future good government of Tangier.

In spite of the long interval which has elapsed between the meeting described in this despatch and that which formed the subject of my No. 50 of the 15th April, we have, I think, now made a good deal of headway, and are, I trust, approaching a settlement. If you could see your way, in face of the determined opposition of Spain and of the scarcely benevolent neutrality of France, to yielding on the subject of article 18 of the convention and of the addition to it (a mere afterthought proposed by Mr. White), an agreement could now, I think, be quickly attained. M. Geoffray is very anxious that this end should be achieved before the Spanish Ministers disperse within the next few weeks for their summer and autumn vacation.

I have, &c.
ARTHUR H. HARDINGE.

[26836] No. 46.

Sir A. Hardinge to Sir Edward Grey.—(*Received June* 15.)

(No. 97.)

Sir, *Madrid, June* 11, 1914.

OUR meeting, originally fixed for Tuesday, the 9th instant, in order to continue the discussion of the Tangier municipality convention and dahir took place this afternoon, and as I had the honour to report in my telegram No. 19 of to-day's date resulted, after an exchange of views of about three hours' duration, in a practical agreement on all but six articles, and in one of principle in all but three.

Notwithstanding my yesterday's letter to him, and to the arguments which I repeated to-day, the Marquess of Lema remained immovable on the subject of article 18 (draft B). He argued, absurdly enough as it seemed to me, that he was being asked to violate article 19 of the Franco-Spanish Treaty of the 18th November, 1912, which merely provides that France and Spain are to concert future modifications in regard to customs duties, which was precisely what we ourselves were doing, and that the Cortes would not hear of the proposal. It was very little use my offering the abandonment as a compromise of Mr. White's additional clause, inasmuch as he was well aware that with France and Spain both against it, that clause could not easily be imposed on him. In reply to my argument about the necessity of safeguarding the municipality of Tangier against a deficit on the port and railway works, he said that the two other Governments interested might eventually make such a deficit good if it existed, but he appeared to think that the municipality might be encouraged to be more careless in its expenditure if it were allowed to suppose that it had in the French and Spanish customs receipts on goods passing in transit through its territory a fund upon which it could rely for a somewhat indefinite period.

Article 25 (the French and Spanish engineers) was rediscussed, chiefly between the Marquess of Lema and M. Geoffray, I myself being mainly interested in their arriving at a mutually satisfactory agreement, though I repeated the reservation contained in your memorandum of the 24th February. M. Geoffray told me afterwards in confidence that he had reason to believe that his Government might meet the view of Spain on this question if Spain would yield the point, as a counter-concession, of the Khalifa's nominee in the Municipal Assembly; but he merely asked the Marquess of Lema to suggest his own formula for settling this difference, and promised to do his best to recommend it to the French Foreign Ministry.

The Marquess of Lema then definitely accepted article 28 (The Hague Convention), as to which he had at our last meeting requested more time for consideration.

The next point was article 19 of the dahir (Khalifa's nominee in the Assembly). We satisfied him that the single additional vote which the presence of the nominated Moor might give to the "French party," supposing such a party to continue to exist, would afford it so slight and insignificant an advantage as to amount to a negligible quantity, but he stuck to his position on the ground of the bad effect which an apparent fresh concession of this nature would produce upon Spanish opinion, though I think he will be ready to abandon it in return for some other real or apparent gain for which he can obtain credit in the Cortes. He also waived the objections which he had raised at our previous meeting to the term administrator-in-chief as applied to the President of the Assembly.

He was much more unyielding in regard to article 96 (tabors). M. Geoffray suggested as a Spanish face-saving amendment the omission from the dahir of the provision that the new organisation should come into force as soon as Spain had pacified her zone in the neighbourhood of the Tangier enclave, and suggested that it might be embodied in a separate exchange of notes, which, if such pacification were effected within, say, the course of a year, need never be made public. The Marquess of Lema, however, expressed his preference for the alternative of provisionally placing the Tangier civil police under a Spanish instead of a French "commissaire central," and M. Geoffray asked him to draft an article to this effect, which he would, he said, submit to the French Government. This difference of opinion will, I think, be eventually, but, perhaps, not very easily, arranged.

Our next fence was the expression "sous réserve des droits acquis par les agents actuellement en fonction" in article 110 of the latest revision of the dahir. We agreed in regard to this matter on a provision that some sort of pecuniary compensation might be given by the municipality to agents of this class whose services it no longer required, and that the amount of such compensation should be fixed by the Committee of Control: "Si la municipalité jugeait nécessaire de se priver des services d'un de ces agents, elle lui assurerait une indemnité équitable dont le montant serait fixé par le Comité de Contrôle" was the formula suggested by the Marquess of Lema, but it was agreed that its precise wording should be the subject of further detailed examination.

We then discussed article 117 (cadi and nadir) in the latest amended form submitted by us. The Marquess of Lema thought this form did not make it clear enough that the Khalifa would in no case be free to reject a candidate proposed by the Committee of Control, and suggested the following alternative text which M. Geoffray and I undertook to refer to our Governments: "le Khalifa, en vertu d'une délégation spéciale de notre Majesté chérifienne. . . . , nommera le cadi et le nadir, qui lui seront présentés par le Comité de Contrôle."

The question was then raised by the Marquess of Lema as to the cadi's examination in Moslem law—by whom and at what stage was it to be conducted? By the Committee of Control or by some Mussulman religious authority?

I said, and in this M. Geoffray agreed, that I presumed the cadi would be selected from ulema already qualified by their studies in some Moslem university (like that of Fez or the El Azhar mosque in Egypt, which has a Maleki faculty) or in some higher theological college. He would not be examined in law by the Committee of Control any more than a European barrister who had qualified in the law schools of his own country would be examined by the Egyptian Government before being made a judge in the Mixed Courts. His qualification would be recognition by his fellow ulema as a doctor of the sacred law of Islam, and all the Committee of Control would have to do would be to satisfy themselves that he was so recognised. The Marquess of Lema suggested substituting, so as to avoid any misconception as to the nature of the examination or the examining board, that the first sentence in the second paragraph of article 117 should run: "le cadi est choisi par les ulema." M. Geoffray and I said we saw no objection to this, and if the French Government are prepared to recast the text of the first two clauses of the article on these lines, the Spanish Government will, I feel sure, accept it; the Marquess of Lema would, I think, have preferred that the ulema should be chosen by the Moslem electors rather than by the Committee of Control, but he did not press the point.

The last question, as to which we had somewhat of a discussion, was that of the "État civil" (article 124). Our arguments on this subject, and more especially the explanations embodied in your memorandum of the 24th February, satisfied the Marquess of Lema, but he asked for more time to consider, in conjunction with his legal advisers, their bearing on the subject of the Spanish marriage laws, pointing out that civil marriages were only authorised by them in cases where the parties, or one of them, objected, on conscientious grounds, to be married according to the forms and under the conditions prescribed by the Council of Trent. On this question, as also on that involved in article 118 (administration of natives in accordance with traditional Moorish forms), he would, he added, have, before giving a final opinion, again to consult his legal advisers.

Since commencing this despatch I have had the honour to receive your telegram No. 33 of to-day's date. Neither I nor M. Geoffray could quite understand what you meant by the waiving, on the part of France and Spain, of an "unjustifiable claim to share in Tangier customs receipts." We had supposed that the only receipts which could be claimed by the Tangier Government were those on goods destined for the town of Tangier and the adjacent international territory, and that the duties on goods destined for the French and Spanish zones, though landed at Tangier and passing in transit through its territory, belonged to the French and Spanish Governments. It seemed to follow that any definite surrender of any portion of these by France and Spain for whatever period or purpose to the Tangier Government was a contribution from Spanish or French revenues to that Government, or, as M. Geoffray termed it, "un cadeau fait par l'Espagne et la France à Tanger"; and this interpretation appeared to be confirmed by the additional clause suggested by Mr. White. This was certainly the view taken by the Marquess of Lema, and the main reason of his strong opposition to article 18 B, and his preference for the alternative article 18 A as more favourable to Spanish fiscal interests.

I append drafts by M. Geoffray, which I have accepted subject to your approval, and which will, I am confident, receive it, for amending, on the grounds mentioned in my last despatch on this subject, certain articles in the latest draft dahir. As regards article 8 of the convention, we are all agreed that a general statement as to religious liberty, without touching on the peculiar relations of the Spanish Bishop and Franciscans to other Roman Catholic religious institutions, and to the rights in these matters of the Papacy, is the safest and wisest method of dealing with a somewhat delicate and complex problem. This view is, I think, shared by yourself.

In spite of these outstanding difficulties, and the rather, though I think not deliberately, dilatory methods of the Spanish Government, I trust we are nearing an agreement, and that there is every prospect of reaching it in a complete form before the Court and Government move in some three weeks' time to Santander and thence to San Sebastian.

I have, &c.
ARTHUR H. HARDINGE.

Enclosure 1 in No. 46.

Article 30 *of Dahir.*

LES israélites étrangers font partie du collège électoral de la Puissance dont ils sont ressortissants.

Toutefois, les israélites ressortissants d'une Puissance musulmane indépendante font partie du collège électoral de leurs coreligionnaires marocains.

Enclosure 2 in No. 46.

Article 64 *of Dahir.*

L'ASSEMBLÉE municipale élit, pour la durée de son mandat, un président et un vice-président.

Cette élection a lieu au scrutin secret. Un candidat ne peut être élu au premier ou au deuxième tour de scrutin que s'il a obtenu la majorité absolue des suffrages des membres de l'Assemblée. Est élu au troisième tour le candidat ayant obtenu la majorité relative des suffrages des votants. En cas de partage égal des voix, l'élection est acquise au bénéfice de l'âge.

Le président et le vice-président doivent être de nationalité différente.

Le président est investi d'office des fonctions d'administrateur en chef. Il est remplacé, en cas d'absence ou d'empêchement, par le vice-président.

Enclosure 3 in No. 46.

Article 96 (*Police municipale*) *of Dahir.*

LA police municipale comprendra :

1. Un corps de police militaire composé de deux tabors, l'un à cheval et l'autre à pied, dont l'effectif sera fixé par le règlement municipal. Son commandement sera confié à un officier espagnol du grade au moins de capitaine, assisté d'officiers subalternes de nationalités diverses. Cependant, dans la première organisation, le cadre des officiers sera emprunté aux tabors actuels de Tanger et composé en nombre égal de Français et d'Espagnols. Les soldes actuelles des officiers seront maintenues.

2. Un corps de police civile composé d'agents européens et indigènes, dont l'effectif sera fixé par la municipalité, et placé sous les ordres d'un commissaire central français. Ce dernier sera assisté de commissaires de police et de gradés de nationalités diverses. Le commissaire, chargé de remplacer le commissaire central en cas d'absence ou d'empêchement, sera espagnol.

Toutefois, l'organisation susvisée du corps de police militaire n'entrera en vigueur que du jour où l'Espagne occupera effectivement sa zone dans la région limitrophe de Tanger et y assurera l'ordre ; auparavant les deux tabors de police militaire existant actuellement à Tanger seront provisoirement maintenus. Les conditions précitées de pacification de la zone espagnole limitrophe se trouvant réalisées, la fusion de ces deux tabors en un corps unique sera prononcée et la date de cette fusion fixée par décision de l'Assemblée municipale approuvée par le Comité de Contrôle. Toutes les mesures transitoires nécessaires seront prises dans la même forme.

[26836] No. 47.

Sir Edward Grey to Sir A. Hardinge.

(No. 86.)

Foreign Office, June 20, 1914.

Sir,

I HAVE received your Excellency's despatches Nos. 96 and 97 of the 9th and 11th instant respectively, reporting the progress made in the matter of the Tangier negotiations.

In regard to the proposed substitution, in article 13 of the convention, of the words "qui de droit" for the phrase "autorité tangéroise qualifiée à cet effet," I am not at present inclined to favour this wording. I am aware of the advantage of employing a comprehensive phrase, but this one seems to err on the side of excessive vagueness. As your Excellency will have learnt from Mr. White's telegram No. 24 of the 18th June, I have consulted him on this point, and, as I have informed your Excellency in my telegram No. 35 of the same date, I should prefer to maintain the phrase "autorité tangéroise qualifiée à cet effet" with the addition proposed by him.

In regard to article 14 of the dahir, I agree to the verbal modification described in your Excellency's despatch No. 96, viz., to substitute, for a reference to the regulations of the Board of Health and Cape Spartel International Commission, a description of the actual mode of selecting the president and vice-president of the Committee of Control without actually mentioning those bodies.

In regard to article 19, I have already, by my telegram No. 32 of the 9th June, made your Excellency aware of my views on this point.

In regard to article 96 of the dahir, I understand, from your Excellency's despatch No. 97, that M. Geoffray apparently contemplates assent to the Commissaire central, mentioned in section 2, being Spanish instead of French. His Majesty's Government would not be greatly concerned with such a modification. I shall, however, before considering this point further, await a copy of the draft which M. Geoffray has requested the Marquis de Lema to put forward, and of which I presume your Excellency will transmit to me a copy.

I should be prepared to accept some such formula as that proposed by the Marquis de Lema for article 110; but I shall wait before deciding to receive from your Excellency the text finally put forward on this point.

I see no great value in the Spanish suggestion for the amendment of the latest form of paragraph 1 of article 117, which appears to amount to little more than a grammatical inversion. I should, however, be prepared to accept this drafting of the first paragraph if the Marquis de Lema prefers it.

I am not clear as to what wording is actually proposed for the second paragraph of this article. I shall therefore reserve the expression of any view thereon until I receive from your Excellency a copy of the amended text that is proposed.

In the antepenultimate paragraph of your Excellency's despatch No. 97 you refer to and quote from my telegram No. 33 a phrase respecting the waiving by France and Spain of an unjustifiable claim to share in the Tangier customs receipts. The telegram despatched from this Department contained no such epithet, but spoke only of France and Spain waiving temporarily a claim to that share. The word "unjustifiable" can of course not be applied in this case, and I regret the occurrence of this error in transmission which misrepresented my views to your Excellency.

In conclusion, I approve of the revised drafts of articles 30 and 64 of the dahir, transmitted in your Excellency's despatch No. 97. On the third enclosure in that despatch, viz., the amended text of article 96, I reserve any expression of my view until I receive from your Excellency the further information alluded to in the fifth paragraph of this despatch.

I am, &c.
E. GREY.

[30131] No. 48.

Sir A. Hardinge to Sir Edward Grey.—(*Received July* 4.)

(No. 104. Confidential.)

Sir,

Tangier, June 26, 1914.

I HAVE the honour to report that I have just returned from a visit lasting a week to the Melilla district of Spanish Morocco, which I paid at the invitation of the Compañía Española de las Minas del Riff. I was received with marked courtesy and cordiality by General Jordana, the Military Governor and General in Command at Melilla, who took me with him all about the district, showed me all the various military positions, and supplied me with full information as to the present situation, both political and military, there, which I have embodied in the enclosed report. Not much is known in Spain of what is really happening at Melilla and in the Riff, and I venture to hope that this report, which I am sending from Gibraltar on my way back to Madrid, may contain some fresh and not wholly valueless information on the subject.

I was very favourably impressed by General Jordana, and by the good order, the excellent roads and telegraphic communications, and the evidence of firm but careful and conciliatory administration of the natives, which I observed in the course of my visit. Since my arrival here, I have received a telegram from his Excellency informing me that the operation referred to by me in paragraph 17, p.17 of my report, has been so far successful, and that he has occupied the height known as Mount Testudin (marked on the annexed map*), after meeting with a certain resistance on the part of the tribesmen, but with few losses in killed and wounded. It is characteristic of the timidity and almost hypocrisy which the attitude of the Madrid Cortes and Opposition politicians in regard to the so-called policy of "exclusively pacific penetration," imposed on the Generals in Africa, that in the telegram reporting this success in the Spanish press, it has had to be described as "a defensive measure undertaken at the request of the tribe," whose territory the Spaniards have, after for some time threatening it, invaded; and the local Melilla Spanish paper, inspired by the Government, wrote in something of the same spirit, when, after hinting at an impending forward movement it declared that whilst faithful to a strictly unaggressive policy, Spain could not allow the establishments founded by her in her zone of peaceful influence to be wantonly attacked. It is, of course, true that amongst many of the still hostile or recalcitrant tribe the Spanish "Oficina de Asuntos Indigenas" (described in my report) has, by payments and diplomacy, enlisted a certain number of influential partisans, unfriendly to the existing ruling chiefs: thus in the Beni Bu Yahi tribe, to the immediate south of what was a week ago the furthest south-western outposts, it has twelve chiefs ready to support a Spanish advance, whilst west of the Kert, in that of the Beni Ulichek, it has twenty-two friendly chiefs; in Tafersit two, in Temsaman two, in the Beni Tuzin one, in Gezenaia (Kzenaia) two, and among the Beni Warigal two. It would, of course, be unwise, to reckon with absolute confidence on these adhesions; as in the Highland clans of old, when a chief often sided with the King and his rival or heir with the Pretender, there has always been much hedging of this nature among Arab tribes in every country, but the existence of these relations is very valuable for intelligence purposes, and a message from these malcontents may be plausibly represented to the Madrid Radicals as an appeal for liberation from misgovernment, which no civilised Administration, however peace-loving, could conscientiously dare to disregard

Whether General Jordana follows up this success, of which he was always confident, when he described his plan during my stay at Melilla, by the immediate occupation of Tafersit, or defers a further move till the seed-time in October, will no doubt largely depend on the attitude of the native population in presence of the occupation of Testudin. He is a very careful officer, unwilling to leave anything that can be helped to chance, and in the present temper of public opinion, unlikely to risk even a slight check.

I have, &c.
ARTHUR H. HARDINGE.

Enclosure in No. 48.

Report on the Melilla Division of the Spanish Zone in Morocco.

THE Melilla division constitutes the easternmost of the three regions into which the Spanish zone in Morocco is divided, the other two being those of Larache (El Arish), in the west, and Ceuta, in which Tetuan, the capital of the whole and the residence of the High Commissioner and Moorish Khalifa, is situated. It is under the military and political administration of General Jordana, those of Ceuta and Larache being under General Marina (the High Commissioner and Commander-in-chief) and General Silvestre respectively, and is occupied by a Spanish force of 27,000 men, including 2,400 native troops. Politically it is entirely subject to the nominal sovereignty of the Sultan of Morocco, with the exception of the town of Melilla and an area of 11 square kilom. enclosing it, and of the islands of Alhucemas and Peñon de Velez, near its western and Chafarinas on its eastern boundary, which have long been possessions of the Spanish Crown—Melilla since 1496, Peñon de Velez since 1508, Alhucemas since 1673, and the Chafarinas Islands since 1848, when they were opportunely seized and occupied by a Spanish squadron (much as in our own case with Perim) a few hours before the arrival for the same purpose of a French naval expedition from Algiers. It includes the whole

* Not reproduced.

southern coast of the Mediterranean, from the headland known as Fisherman's Point, or Punto de Pescadores (some 20 miles west of Peñon de Velez), which forms its western boundary and separates it from the Ceuta or Tetuan division, to the mouth of the River Mulaya, the latter forming its eastern boundary and dividing it from the Moorish district of Angad, the capital of which is Ujda and which now forms part of French Morocco. Its inland frontiers are formed by an imaginary line running southwards from Cape Pescadores to the as yet undelimitated line of demarcation between the French and Spanish zones in Morocco, which it then follows in a generally easterly direction till it strikes the River Mulaya, which it then follows down to its mouth. Its area is, I am informed, about 30,000 square kilom.; its population can only be roughly estimated. The French geographer Delbrel, who knew the country well, calculated it at 540,000 souls, taking as his basis the number of rifles which its native population could bring into the field, and which, during the recent rule of the Moorish pretender known as El Roghi, were believed to be a little over 75,000; but General Jordana places it at rather less than that number and doubts whether it greatly exceeds 1,000,000. The natives of the district of Kalaya, one of its thirty tribes, in which Melilla is situated, and in which, therefore, more accurate calculations have proved possible, he estimates at 25,000, making, with the European population of the town (now about 30,000), a total of 55,000 inhabitants.

2. Melilla itself has made very remarkable strides within the last five years. Up to July 1909 it consisted of a small fortified Spanish town, with dark and narrow streets, built on a rock which forms the north-eastern extremity of its harbour. This citadel, which is entered from the beach by a gate erected in the reign of Charles IV (1796), contains a barrack, a hospital, a church, a disused theatre, and a few public offices and the former residence of the Military Governor, and is separated from the rest of the old fortified enclosure by an inlet known as Turtle Bay, the western side of which is formed by a still partially walled plateau containing the principal modern barracks, and having immediately above it three batteries and a couple of forts. In 1909 the entire area of the town was 300,887 square metres, and its inhabitants could not leave it on the land side even to go for a mile or two into the country without being shot at or robbed by the Moors. Indeed, a Spanish guard was stationed at its principal gate, now demolished, to prevent anyone from leaving it without special permission. At the gate, too, a Moorish guard representing the Makhzen levied a 5 per cent. import duty on all goods from the port conveyed by natives to the interior, and not even the officers of the Spanish garrison were allowed by the Moorish authorities to ride or shoot over the neighbouring hills. It is difficult to conceive how the Spanish Government can so long have endured a position so injurious to its prestige and so degrading to the Christian name, but the explanation is probably to be found in the fact that Melilla was primarily a penal settlement, and that the difficulties placed by the Moors in the way of Spaniards entering their territory afforded a considerable security against the escape of fugitive convicts. Such persons, if they succeeded in getting away from Melilla or Ceuta, were always either killed or resold to the Spanish authorities by the natives, unless, which often happened, they embraced Mahommedanism and settled down to the barbarous conditions of Riffi life, a fate almost as bad for an European as penal servitude itself, but in which a certain number of Spanish fugitives acquiesced in order to save their lives. To-day, although only five years have elapsed since this state of things existed, no trace of it is visible. The old convict prison has disappeared, whilst to the south and south-west of the ancient citadel, and extending as far as a stream called the Rio de Oro, or rather to the foot of a hill crowned by a fort above that stream, there has now sprung up an entirely new town with a park or public gardens, broad and fairly well-paved streets, a theatre, numerous shops, and several hotels, whilst on the other side of the Rio de Oro, a long straggling suburb containing a bull-ring and a college for young ladies runs parallel with the beach. This suburb, flanked on the west by an eminence occupied by barracks, magazines, and two forts, is traversed by two parallel lines of railway, the eastern belonging to a French mining company and the western to the Compañía Española de las Minas del Riff, in which, in view of the British capital invested in it, His Majesty's Government has displayed considerable interest. These lines run to the points in the hills, some 18 miles to the south-west, in which the two companies have begun their respective operations, though these latter have had to be suspended in consequence of German representations based on counter-claims by Messrs. Mannesmann, which are about to be referred to arbitration. Both lines terminate on moles, one of which forms the southernmost, and the other the northernmost, extremity of the inner harbour (the latter was badly damaged by the stormy gales of last winter); a branch line from their junction on the shore runs

westward to some barracks on the high ground to the west of Turtle Bay and of the old citadel.

3. The new town, whose present area exceeds 1,000,000 square metres, and in which General Jordana now resides and has his offices, is bright and clean, but has nothing Moorish about it, and, indeed, but for the presence in its streets of a few Moorish merchants in native dress or rougher-looking Riffi peasants, is not distinguishable from an ordinary seaport in the southern Mediterranean. The glaring arid hills which surround it are not barer than those overlooking the Piræus, nor is the population a greater medley of races than that, for example, at Gibraltar. From a commercial point of view it appears to be steadily growing in importance and the Spaniards assert, with how much truth I do not venture to say, that its progress is being viewed with increasing jealousy by the French authorities in Algeria, whose frontier lies only some 50 miles to the eastward. It is now a free port in which the trade of all nations, including Spain, has equal advantages, the only duty being an octroi on produce ("impuesto de consumos") of all descriptions; and goods of foreign origin exported from it pay duty in Spain in accordance with the scale imposed by the Spanish tariffs and also, on entrance into the Moorish part of the Melilla district a 5 per cent. import duty, which is collected on behalf of the administration of the Spanish zone at Nador, a few miles south, and Iazazen, about 10 miles west, of Melilla. The French, the Spaniards say, dislike this free port arrangement so much that in the Moorish strip between the Melilla district and Algeria, which includes the important towns of Ujda and Taurirt, they enforce the Algerian, and not the lower Moorish *ad valorem* tariff, which they ought, properly speaking, to apply.

4. Before leaving this portion of the subject, I ought, perhaps, to touch upon the question as to which I was directed a few months ago to report, of the appointment of a British consular officer at Melilla or Nador. I would say, since I have seen these places myself, that any step in this direction is at the present moment unnecessary, and that if, when the Spanish zone of influence is pacified (in the case of the Melilla district I think I may say that the work of pacification is proceeding with satisfactory rapidity) it is decided to re-open the question, it is at Melilla and not at Nador that a British consular officer should reside. Nador is not a town or harbour, but a mere straggling village 6 miles south of Melilla on the western shore of the lagoon or shallow inland sea known as the Mar Chica, which extends from a point about 2 miles south of the town to Ras Quiviana, some ten miles further to the south-east. The village consists of a collection of low scattered houses on the sand, inhabited partly by Spaniards from Melilla, about 1,500 in number, and partly by Moors, of two railway stations belonging to the French and Anglo-Spanish mining companies mentioned above, in one of which is the Spanish Protectorate Custom-house for the collection of duty on goods from the free port of Melilla, of a native dispensary, and, lastly, of a school for native children managed by a Spanish master and two Moorish Fikis, who teach Spanish and Arabic, including the Koran. Both of these institutions I visited, and was, on the whole, favourably impressed. It would therefore be necessary for the consul, if he lived at Nador, and no suitable accommodation is as yet obtainable there, to have an office in Melilla so as to see captains and do other business, going backwards and forwards every day; and if he had such an office, his official premises would really be on Spanish, and not Moorish, territory, so that the vexed question of Spanish consent to its establishment within the so-called walls of a Spanish fortress would not be evaded by the fiction of its being really situated on Moorish soil. I may say in this connection that I made careful enquiries as to the alleged German consular agent at Nador, and found that no one knew anything about him. I believe him to be mythical, or if there is any foundation for his existence, to be some occasionally resident agent of Messrs. Mannesmann, who has pretended to the Moors to be a representative of the German Government, and issued papers granting German protection to credulous natives, an expedient by which these gentlemen are, I am assured, in the constant habit of extending the influence of their firm and country.

5. Nevertheless, it is conceivable that when the Riff mining companies begin, as it is to be hoped they soon will, to ship their iron-ore from Melilla, there will be a considerable increase of British trade with that port and the moment may then arise for suggesting to the Spanish authorities that the revenue accruing to them from that trade is a justification for our asking them to sanction the establishment of an English consular agency, more especially as once the Riff is pacified, the essentially military character of the fortress of Melilla will have lost its *raison d'être*. It is I think probable, that commercial considerations may then outweigh with the Spanish

authorities, the suspicious dislike with which the military element in all countries is apt to regard foreign consular officials.

6. The trade of Melilla has increased within the last few years with great and steadily growing rapidity. In 1889 the total value of its imports and exports was 1,000,000 pesetas (40,000*l.*) by 1890 it had risen to 11,000,000 pesetas (440,000*l.*) at which it remained fairly stationary till 1908, when it rose to 19,000,000 pesetas (760,000*l.*). In 1909, there was a fall due to the war between the Spaniards and the Moors, which broke out in July of that year, to 14,102,835 pesetas (564,305*l.*). The following figures give the value of the imports and exports for the years 1911, 1912 and 1913 as extracted from the books of the Commercial Department of the Protectorate Administration.

TABLE I.

Years.	Value of Imports.	Value of Exports.	Total.
	Pesetas.	Pesetas.	Pesetas.
1911	51,293,849·45	1,230,842·97	52,524,694·42
1912	57,884,832·16	2,394,124·66	60,278,956·82
1913	62,872,080·55	7,799,855·65	70,671,936·20

The statistical details of the year 1913 are as yet incomplete, but those of the preceding year, 1912, taken from the "Boletín de la Cámara Oficial de Comercio, Industria y Navigación," the monthly journal of the Melilla Chamber of Commerce, give a fair idea of the proportional share of the trade of Melilla of the principal countries, Spain, the United Kingdom, France, Algeria, Germany, Italy, Belgium and Morocco, which may be said to divide it between them. It should, however, be observed that the sum total of these figures does not quite reach the amount given in the above table on the authority of the Department of Fomento; and I attribute this discrepancy to the circumstance that the "Boletin" was published on the 13th February, *i.e.*, little more than a month after the close of the period under review, the 1st January (31st December), and thus before it was possible for the Chamber of Commerce to obtain all the figures for the last few preceding weeks.

7. The following is the value in pesetas and £ of the imports from and exports to the various countries trading with Melilla during the year 1912; I have for the sake of simplification taken the peseta as equal to the franc, thus assigning 25 pesetas to each £ so as to avoid having to calculate over so long a period the constant fluctuations in its value, which latter is at the present rate of exchange, a little over 26 pesetas to the £.

TABLE II.

Values of Imports.

	Pesetas		£
Spain	20,018,082	or	800,644
United Kingdom	13,307,592	„	532,308
France	9,276,751	„	371,060
Algeria	4,701,909	„	188,076
Morocco	4,534,038	„	181,361
Germany	2,056,512	„	82,260
Belgium	921,815	„	36,872
Italy	218,643	„	8,543
Other countries	604,822	„	24,032
Total	55,640,164	„	2,232,606

Values of Exports.

To—	Pesetas		£
Spain	2,086,242	or	1,189
France	283,126	„	11,205
United Kingdom	222,322	„	8,893
Italy	172,125	„	6,858
Morocco	72,852	„	2,914
Algeria	39,994	„	1,519
Germany	29,738	„	1,189
Belgium .. .. } Other countries .. .. }	No figures given.		
Total	2,906,372	or	116,255

8. The scanty exports from Melilla consist chiefly of cattle, mules, horses and donkeys, skins and hides, almonds, a little lead and esparto grass. They form an almost negligible quality for the purpose of estimating the commercial value of the territory, which depends, as I have before observed, for its future on the development of its mining industry.

9. It will be observed that the United Kingdom comes second in the list of importing countries, if France and Algeria are taken separately and third if they are taken together. I do not propose in this report to trouble you with a detailed list of our imports, which would cover several pages, though I can furnish such a list later on should it be desired, but I may mention among the principal British imports in 1912, mineral coal, value 698 pesetas; coke, 119,740 pesetas; lubricating oil, 177,948 pesetas; iron 34,953 pesetas; zinc, raw and manufactured, 47,903 pesetas; candles, 823,878 pesetas; soap, 656,126 pesetas; cotton goods, 5,443,302 pesetas; woven woollens, 219,631 pesetas; silk and cotton woven stuffs, 902,735 pesetas; carriages and harnesses, 69,950 pesetas; engines, 1,700 pesetas; machinery, 14,945 pesetas; preserved meat, 752,295 pesetas; codfish (salt), 290,767 pesetas; flour, 326,970 pesetas; sugar, 220,634 pesetas; tea, 504,647 pesetas; tinned preserves, 542,923 pesetas; sweetmeats, 193,212 pesetas; cheeses, 83,463 pesetas, and straw hats, 113,700 pesetas. From the Melilla district, the United Kingdom purchases chiefly hides, 87,962 pesetas; almonds, 119,059 pesetas, and wax, 16,083 pesetas. The principal German imports are locomotives, 256,293 pesetas; machinery, 264,618 pesetas; sugar, 184,107 pesetas, and alcohol, 254,617 pesetas.

10. The shipping figures for 1912, the last available, are not very instructive, as all foreign ships are grouped under a single head, so that it is not possible to distinguish the respective shares in the shipping trade of the various foreign countries having intercourse with the Melilla province. I understand, however, that there is a weekly steamer owned by Messrs. Bland arriving from and leaving for Gibraltar, and that other British vessels occasionally visit the port. There is also a daily Spanish mail-boat carrying cargo and passengers to and from Malaga, as well as a weekly French steamer from Marseilles, which also calls at Oran, Tetuan, Tangier and Gibraltar.

11. The following table gives a list of the Spanish and foreign ships, with their tonnage, that entered and left the port of Melilla during 1912.

TABLE III.

—	Entered.	Tonnage.	Left.	Tonnage.
Spanish vessels—				
Steamers	910	534,053	906	531,207
Sailing-vessels ..	124	5,574	112	5,138
Foreign vessels—				
Steamers	333	220,140	330	218,565
Sailing-vessels ..	1	2	1	2

12. An important factor in the commercial development of the Melilla district is the question of its ultimate connection with the railway system of French Morocco. Possessing a harbour which, with a comparatively small expenditure on its improvement —for at present it is a bad one in rough weather—could be made better than, or at least quite as good as, Tangier; it might, with equal railway facilities, compete both with that port and with Oran, and might tap the trade, or a portion of it, of an extensive district in Eastern Morocco which the railway from Taurirt to Taza, and eventually to Fez, is destined to open if only the French will permit its connection with Taurirt, the present terminus of their line from Oran, or with some slightly more westerly point, by a branch running southwards from Zeluan. Melilla is situated 280 kilom. (175 miles) by road from Fez, and the country lying between Zeluan and the southern frontier of the Spanish protectorate, although not naturally of much fertility, presents, I am told, no great difficulty in the way of the construction of a railway, which would follow the valley of the River Muluya to the point at which it joins the River Mesum between the towns of Taza and Taurirt. General Jordana informs me that the French Government is well-disposed as regards the establishment of such a junction between Melilla and the Oran-Taza Railway, but that the French Colonial party, with its selfish and shortsighted protectionism, is bitterly opposed to it, and may delay, even if it does not altogether prevent, its accomplishment. In the long

run the Taza province would benefit by increased facilities for communication with the coast, even through Spanish territory; and inasmuch as the Moorish duty goes to the administration of the protectorate, whether French or Spanish, to which the goods are destined, all the customs duties collected on those for Taza and other places in French-protected territory would be paid over to the Government of the latter. Oran might, no doubt, to some extent suffer, but it would be for the ultimate advantage of French Morocco.

13. I now turn to the native population and its administration by the Spanish authorities. For this purpose the Melilla division or district may be regarded as identical with the Moorish province (Amalat) known as El Riff, which is bounded on the west by the Gomera district of the province of Jeball (Tetuan), on the south by those of Gharb-el-Esar (Fez) and of Taza, and on the east by that of Angad (Ugda). Some geographers apply the term Riff to the entire coast from a point just south of Tetuan to the mouth of the Muluya, others narrow it to the strip of coast extending from Cape Pescadores to the River Kert, and this view is the one declared to be geographically correct by General Jordana, who excludes from it the district of Kalaya and peninsula of Tres Forcas, in which Melilla is situated, as well as that between the peninsula and the Muluya known by the separate name of Kebdana, but the intermediate definition (Pescadores to Muluya) is the one which appears to find the greatest amount of general acceptance. Using the word Riff in this commoner sense, the province includes thirty tribes, sometimes counted as twenty-nine, of mixed Berber and Arab blood, speaking a very corrupt form of Arabic, in some cases unintelligible to the more civilised Moors, owing to its being in reality a distinct dialect, known as Shilloa, and professing the Moorish form of Mahommedanism, but with little real knowledge of its doctrines or respect for the spiritual authority of the Sultan of Morocco as compared at least with that inspired by local saints ("marabout") or chiefs of religious orders, whose white dome-shaped tombs are met with all over the country. Of these religious orders the strongest in the Riff are the fanatical Aissouia, founded by Mohammed Ibn Aissa, of Meknez, and the Kadria, founded by Abdel Kader Ibn Jeleli, of Bagdad. I will not weary you with an enumeration of these thirty tribes: three of them, the Beni-bu-Lahi, to the south of Melilla, who are said to number about 44,000, the Beni Warigal, just south-west of Alhucemas, 42,000 (?), the Oulad Setut, near the Muluya, 4,000 (?), and the Beni Ukil, to the immediate west of them, 2,500 (?) are nomadic, the Mtalsa, the largest of the tribes, said to number 68,000, and occupying the country from a point some 50 miles south and south-west of the Kalaya peninsula, are half nomadic and half sedentary, whilst the remaining twenty-five tribes are entirely sedentary, and pastoral, agricultural or both. It is a curious circumstance that of the four nomadic and semi-nomadic tribes above-mentioned, two, the Oulad Setut and the Beni Ukil, are of pure Arab, and two, the Mtalsa and Beni-bu-Lahi are of Arab, crossed with Berber blood, while there is, I believe, little or no Arab strain among the purely sedentary Berber or Shilluh tribes.

14. No native cities or even towns in the ordinary sense of the term can be said to exist in the Riff. The centres of population, of which the most important is, I am informed, Tafersit, about 48 miles south-west of Melilla and a short distance west of the Kert, are agglomerations of separate villages and hamlets, surrounded by cultivated fields, each nestling among its trees and cactus hedges and forming little green oases amidst the wide surrounding waste of barren brown hills and valleys, but consisting only in the case of each village, of a few crooked lanes between rough stone huts, with here and there a small shrine or saints tomb as the only building affecting a semblance of neatness or artistic effect. In most of these scattered townships, as well as in much less populous places, there exist what the Spaniards call "zocos" from the Arabic "sok," a market, at which traders meet once a week for purposes of barter and which are therefore known after the day on which they are traditionally held, as Sok-el-Hamis, Sok-el-Arbaa, or Sok-es-Sabt, *i.e.*, "Market Thursday," "Market Wednesday," and "Market Saturday." In the immediate centre of the Tafersit group of villages where a number of native caravans meet, is a place known as "Market Monday" (Sok-el-Etnain) which is one of the most important trading centres in the whole Riff. The only other places which can compare with Tafersit, whilst still inferior to it in importance, are Mestasa on the extreme western border of the province and Adduz some 6 or 7 miles east of Mestasa, both situated close to the coast.

15. Of the region thus loosely described under the general name of "the Riff," the only portion thoroughly pacified and occupied by the Spanish Government is the north-eastern, extending some 75 miles along the shore of the Mediterranean from the mouth of the Muluya on the east to that of the Kert on the west. The southern boundary

of this pacified territory may be described for the immediate present (by the time this report reaches you it will probably have been slightly extended) as a line running from the intersection of the Kert River by parallel 35 of north latitude, and then running in a generally south-south-east direction till it strikes the Muluya at a point about 10 miles south of the Salsafat ford. Much of the country south of this line between the Kert and the Muluya is safe, in the sense that its population is not openly hostile to the Spanish authorities and will probably be administered without any serious resistance, whenever it is placed under effective administration, but it cannot be said to be fully or effectually pacified, inasmuch as the energies of the Melilla administration are still concentrated on the line of the Kert, beyond which the next advance, a very early one, is to take place.

16. The whole region thus comprised within the Spanish lines is traversed by a network of good carriage and motor roads in all 150 miles, with a width of from 8 to 5 metres, of which the following are the principal :—

(*a.*) Melilla–Iazanen–Sammar. This road, about miles long, runs due west, close to the coast, from Melilla to Iazanen, the seat of the native administration of the Beni Bu Ghafar tribe, and the northernmost of a line, itself some twenty-five miles long from north to south, of ten forts or entrenched camps dominating the valley of the Kert and thence to Sammar.

(*b.*) Melilla to Sok el Had, the native administrative centre of the Beni Sikar tribe, a subsection of that of Kalaya, distance eight miles (about).

(*c.*) Melilla–Nador–Zegangen–Atlaten–Ishafen. This road, about 30 miles long, runs due south to Nador (8 miles), and thence west through the places just mentioned to Inshafen, one of the most important positions overlooking the Kert and the centre of the line above described. From Zegangen (about 12 miles from Melilla) a branch runs southward for about 6 or 7 miles to the terminus of the Spanish Riff Company's railway known as San Juan de las Minas. This railway line, I should mention, is open to passenger as well as goods traffic, and is very popular with the Moors.

(*d.*) Nador–Zeluan–Zaiu–Muluya : with branch to Arui. This road, about 35 miles long, is identical with route (*c.*) up to Nador, whence it is prolonged due south to Zeluan, the old headquarters of the Moorish pretender El Roghi, about 16 miles south of Melilla.

From the castle or Kasba of Zeluan, a huge grey enclosure flanked by towers, and somewhat resembling a Persian caravanserai, a motor road branches south-south-east to Ain Zaiu, 30 miles from Melilla, the furthest outpost in the direction of the French frontier towards the province of Oran, whence another 4 or 5 miles of carriageable, but much rougher road, brings the traveller to the ford of Safsafat on the Muluya, and the main route from the Riff to Algeria. The river is fordable from May to October ; when I was there General Jordana sent two mounted police across it whose stirrups the water just reached, but after the autumn rains it is often impassable and very dangerous owing to the force and rapidity of its current. There is no outpost on the French side of the Muluya nearer than "Berkana" (literally "Sidi Mohammed Aberkan") a French fort 27 miles to the north-east unconnected with the frontier by any really carriageable road. From Berkana, however, there are good roads south to Taurirt and thence south-west to Taza and east to Lalla Marnia, the first town in Algeria, whence Oran can be reached by the line connecting it viâ Sidi Bel Abbas and Tlemsen with Taurirt. The total distance by this route from Melilla to Oran is 407 kilometres or 250 miles, of which only 27 (Safsafat to Berkana) are not open to wheeled traffic. The French are, however, I am assured by the Spanish officials, likely to keep up the break in communications between Safsafat and Berkana, so as to discourage trade between Melilla and Oran or French Morocco. From Zeluan a branch motor road of a rough unfinished character runs south-west past Arui to Arnad, the southernmost Spanish outpost (some 25 miles from Melilla) which threatens the southern part of the Kert line and the oasis, if one may so call it, or scattered villages of Tafersit, the main route to which lies across a dip in the surrounding hills called the "Ank ul Jemel," or Camel's Neck.

17. This oasis is to be the objective of a forward movement which General Jordana intends at once to commence, crossing the Kert at a point near its intersection by parallel 35 of south latitude, after occupying the hill known as Mount Testudin, to the immediate north-west of the Camel's Neck, and thence marching westward either at once or after negotiations with its chiefs, through an open undulating country to Tafersit, where he will occupy the oasis and its villages, thus depriving the Riff tribes to the west of the Kert of their most important centre for food supplies, and cutting across their

main line of defence. This movement, which is to be begun while the hostile tribes are still engaged in getting in their harvest, is to be followed by a further one in October, when they will be busy sowing next year's crops. General Jordana's force will then cross the Kert near its mouth (Sammar) at Inshafen, the central point of his line of fortified outposts and the terminus of road (*c*) described above, and at Imerufen, a little further south, and will occupy the high plateau of Dikermin, whence he will dominate the country occupied to the immediate north by the great tribe of the Beni Said. This tribe, which is said to consist of nearly 30,000 souls, and to have about 4,000 rifles (probably a good deal more), extends from the Dikermin plateau to the shores of the Mediterranean, and is one of the fiercest and most insubordinate in the Riff. It never owned the authority of the Makhzen, and its coast population has always been active in piracy and robbery of every description, but, as is the case with all or almost all these tribes, it is said to be split by sectional jealousies, and General Jordana is satisfied that as soon as he has struck his first blow at it, a large peace party, unfriendly to the present ruling chiefs, will turn upon them and co-operate with the Spaniards. When I was at Sammar a Beni Said chief, who had been expelled by the anti-Spanish party and had had his crops destroyed, came to see us with promises of assistance as soon as the Spanish forces crossed the Kert. The general's intelligence officers, from what I can see of his methods of procedure, are likely to prove pretty trustworthy in regard in the support which the invaders may expect ; at any rate he himself is full of quiet confidence, and believes that the occupation of Tafersit, either within the next few weeks or in the autumn, followed within the next three months by that of Dikermin, will place him by the end of the year in a position from which he can gradually pacify the whole country some 60 miles in length and 40 in breadth intervening between the Kert and the western boundary of the Melilla command. He had hoped, he told me, to effect this operation almost exactly a year ago, in July 1913, his plan at that time including the landing of a column from Alhucemas, which would have attacked the Beni Said from the north, whilst another column crossed the Kert from the east, but on the very day on which the ships conveying this force were to have left Melilla for Alhucemas, he received news of the rising of the tribes round Tetuan, and was directed to suspend all further operations in the Riff, and to send to the assistance of the High Commissioner in Tetuan 13,000 men out of his then force of 40,000 men, including 2,000 native cavalry. From the positions which he now holds along the Kert, and in view of his secret understandings with certain sections of the Beni Said and other tribes, he is convinced that he will be able to accomplish his task with a smaller force than would then have been necessary, and although the operation may entail some, but he hopes not many or severe, casualties, to open a road from Melilla through Tafersit to the coast opposite Alhucemas, thus completing an important stage in the pacification of the western portion of his district.

18. Before leaving this portion of my subjeet I ought, I think, to dwell for a moment on a point to which General Jordana was at some pains to draw my attention, in comparing the difficulties with which the commanders of the Spanish zone have had to contend, with those encountered by their colleagues in that assigned to France, the fact, namely, that, whilst the operations of the latter have been mainly carried on in regions constantly traversed by the Harkas of the Sultan of Morocco, and accustomed to pay taxes to his kaïds, the country assigned to Spain from Tetuan as far east as the Muluya has never really been conquered by anyone, nor submitted to the authority of the Makhzen. He did not for a moment deny that mistakes in policy had been made by the Spaniards, and notably by General Alfaro, whose administration of the Tetuan district would appear to have been far from judicious, but he thought that public opinion at Madrid and elsewhere in Europe had made sufficient allowance for the special difficulties of the task entailed by the physical features of the rugged mountainous country assigned to Spain, as compared with the level and cultivated plains of central Morocco, and by its *de facto* complete independence of the ancient Moorish Government. He also laid considerable stress on the impatience of Parliament and public opinion in Spain, unaccustomed as it was to slow, difficult, and costly operations, such as those resulting from these geographical considerations. He himself has, I think, spared no trouble to render the Spanish forces under his command, a greater part of which have now seen two or three years service, in Africa, as efficient and mobile as possible. Both at Zeluan and at Inshafen he made the local garrisons march past in my honour, and at Inshafen the cavalry and mountain artillery afterwards manœuvred in the open, charged, and got their guns carried by mules into action on rough, uneven ground, in a manner which, allowing for the unprofessional eye of a mere political officer like myself, appeared very rapid (1 minute 30 seconds) and efficient. The camps and other fortified positions,

nearly all of which I visited, seemed well selected and well kept, and the health and food of the troops, whom the Madrid Radicals are fond of describing in Parliament as "dying like flies in a poisonous climate," very good. Their rations are a dish of meat followed by a soup or vegetable stew, in which the Spanish beans known as garbanzos are the principal ingredient, and a salad; their tents are of two kinds, one small, on the French army model, shared by four men each, and the other a bell tent, formed by canvass stretched over a very much larger space, enclosed within a circular stone wall, which in the permanent posts takes the place to a great extent of barrack accommodation, and enables twenty-four men to be accommodated in each of these tents. Each large post has an infirmary at the highest point in it obtainable and the climate, although warm, being dry and not unlike that of the south and centre of Spain, there is very little sickness among the men. They are all dressed in khaki with brown helmets, and those who prefer it wear, instead of boots and shoes, the sandals made of esparto grass, and known as "alpagatas," which form the ordinary foot-gear of the agricultural peasantry in the provinces of Andalucia, Mercia, and Valencia, from which so many of them are drawn. The native troops are also in khaki, but the topee is replaced by a tarbush.

20. The internal administration of the Melilla district or command is for the present, and must probably long continue, to be purely military. Outside the town of Melilla there is practically no revenue to speak of, for what little is obtainable from the Moorish customs duty on foreign goods is absorbed by the cost of administration. The carriage roads which traverse the subjugated portions of the province in all directions have been largely built by the troops, with the assistance of Moorish labourers who receive a wage of from 2 to 3 pesetas (1*s.* 8*d.* to 2*s.* 6*d.* a day). The town of Melilla is administered by a kind of municipal council called the "junta des arbitrios," under the presidency of a general, and consisting of twenty-two members. Eleven of these are *ex officio* members, chiefly officers of the garrison; eleven are elected by the ratepayers; but as one of the latter acts as secretary and has no vote, whilst on an equal division the military president has a casting vote, the *ex officio* members can always count on a majority of at least one. The annual revenue of the "junta de arbitrios" is derived from octroi duties, licences, house taxes, port dues and local rate, taxes direct or indirect, is about 2,000,000 pesetas, its annual expenditure 1,500,000 pesetas, thus showing a surplus of 500,000 pesetas (a result rare in the more democratically constituted, and therefore more corrupt, municipalities of Spain) which is applied to remunerative public works. There is, I am told, a movement among some of the civil population for establishing a purely elective "ayuntamiento," but it has no chance of success, nor is the civilian or commercial element sufficiently serious or stable to warrant the making of so dangerous an experiment.

21. The purely native administration is carried on by a special department known as the "oficina des tropas y asuntos indígenas" (native affairs and troops office). It is based on the existing tribal divisions of the Riff, but as the tribes are commonwealths and have never had any single chiefs or kaïds chosen either by themselves or by the Makhzen, each large village or group of villages has been and still remains the administrative unit, being governed as of old by a Sheik-el-Beled, who is now either confirmed, if actually in office and satisfactory, by the Spanish Governor of Melilla, *i.e.*, General Jordano, or, on a vacancy arising, is appointed by him on the recommendation of the principal notables of the locality. These sheikhs are responsible for the good government of their respective villages or districts, and General Jordana seemed to think that they did their work on the whole satisfactorily. Any matter which the local sheikh cannot settle, or tries and fails to settle—and such cases are, I believe, infrequent—are referred to and finally decided by the general himself at Melilla. For judicial purposes the tribe, not the village, is the unit, and the traditional usage that each tribe should have its own cadi, who is chosen by its elders (the sheikhs described above) has been accepted by the Spanish Government. The general, on a vacancy, requests the sheikhs to recommend a cadi, and when they have done so he submits the name of the person so recommended for the approbation of the Sultan of Morocco's Khalifa in the Spanish zone, who has hitherto always confirmed his nominee. The courts of these tribal cadis may be regarded as tribunals of first instance only, but a chief cadi residing at Melilla and formally appointed by the Khalifa on the recommendation of the Spanish general constitutes a higher judicial and appellate authority, and administers in that capacity the orthodox Sunni law as interpreted by the sect or school of Ibn Malek. That law is, indeed, the only one for natives, at least Mussulman natives—for non-Mussulman subjects or protégés of Spain are dealt with by the ordinary Spanish Courts at Melilla—nor has any attempt as yet been made to harmonise it with European jurisprudence.

In murder cases, for instance, "diyah" is always allowed; I asked General Jordana what would happen if a murdered man's family refused it, and he said that the case had never arisen, but that if it did he would ask the cadi to refer it for settlement to the Khalifa. No attempt has been made to abolish domestic slavery, which in the Riff is mainly harem and not predial, outside Melilla; nor to enquire into or prevent the private sale of slaves in the pacified interior. If a fugitive concubine or other slave takes refuge at Melilla, the authorities, especially when the fugitive is a woman, try to settle the matter indirectly. Either a Santon, or holy man, is induced to allow her to reside in a Mahommedan sanctuary until some arrangement with her owner can be made, or failing that the authorities pay the owner compensation. The number of Moslem or other slaves is, however, so insignificant in a province in which there are no rich Mahommedans with large luxurious households, and in which manual labour is mainly performed by the free wives and daughters of the tribesmen, that that problem is of no practical importance. The number of tribes in the Melilla district directly under Spanish administration being now nine out of twenty-nine or thirty—a little under one-third of the whole—there exist in it nine native Courts in addition to that of the chief cadi, who resides for convenience at Melilla.

A. H. HARDINGE.

Tangier, June 24, 1914.

[32681] No. 49.

Mr. Kennard to Sir Edward Grey.—(*Received July* 20.)

(No. 203.)

Sir, *Tangier, July* 13, 1914.

WITH reference to previous correspondence, I have the honour to report that a deep impression has been made here by the financial difficulties which have arisen with regard to the construction of the port of Tangier. Mr. Norton will have acquainted you with the views of the Société internationale, who maintain that it will be absolutely necessary to find some guarantee for the debentures of the company. It is calculated that an annual sum of 1,200,000 fr. will be required to cover the interest on the debentures; the port dues would amount to some 800,000 fr., but the net receipts, after deduction of expenditure on the works during the first period of construction, would be only 400,000 fr., leaving a balance of 800,000 fr. to be covered. I am unable to offer any observations on the financial aspects of the question, but it seems highly reprehensible that the Société internationale should not have ascertained before applying for the concession that this guarantee would be necessary. It is thought that the apparent neglect of the company to thoroughly study the question is due to tactical reasons and the desire to exclude the possibility of rival competitors offering to construct the port without any financial guarantee.

M. Porché, who is leaving to-day for Paris to attend the meetings of the International Commission, which resumes its labours next week, came to see me yesterday on the subject. I asked him whether he considered this guarantee absolutely necessary, and whether some means of obviating this difficulty could not be found. The company, whose methods had not hitherto impressed me very favourably, naturally wanted to make the best terms they could, and it was to their interest to depict the financial situation in the blackest colours possible.

He stated that he thought it would be impossible to find capitalists who would be prepared to take up the shares of the company without some guarantee for the debentures, which would otherwise have to be paid out of capital with no prospect of paying any dividend on the ordinary shares for a period of eight or nine years. I then enquired where it was proposed to find this guarantee, and he was at a loss to suggest a solution. He pointed out that, according to his calculations, the future administration of Tangier, if established according to the terms of the statute as elaborated in the course of recent negotiations, would find it impossible to balance the necessary expenditure with the revenues which would accrue to it. He proposed to point this out to the commission, and suggest that a further effort should be made to obtain more favourable terms for Tangier in the matter of customs revenue and loan obligations. I warned him to be careful in making any proposals in this direction, as it would be difficult to obtain the consent of the French and Spanish Governments to a reconsideration of these points. In any case I failed to see how Tangier could mortgage any part of its future resources before the new authority, which, as was foreseen, would find it difficult to make both ends meet, be established. If Tangier was to furnish a

guarantee, it might prove simpler for the future municipality to construct the port itself.

We then discussed the possibility of furnishing a guarantee from Tangier's share of the "Caisse spéciale." M. Porché tells me that the Protectorate authorities are considering a project to grant a concession for the construction of a port at Kenitra, giving a guarantee from the funds of the "Caisse spéciale" and putting up the works for adjudication. As a matter of fact, Tangier will require every penny which it can obtain from the "Caisse spéciale" for other public works: it is already proposed to carry out a water supply scheme here costing 1,800,000 fr. with a loan on the "Caisse spéciale." Should an additional 2½ per cent. surtax be agreed to by the Powers, a further 600,000 fr. would be handed to Tangier's share of the Caisse, which could be utilised as a guarantee. This increase, which would be applied, of course, to all three zones, would no doubt be readily accepted by France and Spain, but it was doubtful whether other Powers would consent to this further burden on their commerce. It would of course be the easiest way for finding a guarantee before the institution of the municipality.

I asked M. Porché what proposals the Société intended to submit to the International Commission in Paris. He stated that he did not know; the project had been reduced to one of 28,000,000 fr.; the reclamation of certain lands being abandoned and one or two quays being shortened in length. On the other hand it was proposed to improve coaling facilities. He could give me no further information as to the financial side of the question, but thought it essential to study in greater detail the future resources of the municipality with a view to equilibrating its budget.

You will have fuller and more valuable information regarding the views of British capitalists on these points, and I am unable to offer further observations on a question of highly technical finance.

A resolution, which is to be submitted to the Corps diplomatique, has been passed by the Syndicat international pour le Développement de Tanger, requesting that, in view of the urgency of the construction of the port and the delay which would be caused by any solution which would require the consent of all the Powers, the competent commissions and services should adopt a decision regarding the port which would not entail the approval of each of the Powers, and which would only necessitate the application or liberal interpretation of the principles already acquired by the administration and the disposition of local resources, more especially a portion of the 2½ per cent. customs surtax. I understood that the action of the Syndicat, which is the same body which sent delegates to Madrid last year, to urge the speedy construction of the port, was prompted by an article which appeared last week in the "Journal du Maroc," a local newspaper of small standing, which advocated the granting of a guarantee by the Powers signatory of the Act of Algeciras for the construction of the port. It is rumoured that this article was inspired by the port company, but I have no confirmation of this report.

Considerable apprehension is felt here that, if some speedy solution of the financial problem be not found, the port project will fall through and Tangier's future, which entirely depends on the rapid construction of the harbour, will be seriously compromised, if not ruined.

I have, &c.
H. W. KENNARD.

[33295] No. 50.

Memorandum communicated to His Majesty's Chargé d'Affaires at Tangier by M. Porché.—(Received at Foreign Office July 22, 1914.)

Le Budget de Tanger (présent et futur).

L'OBJET de cette note est d'établir le bilan probable de la zone tangéroise, en supposant l'application du projet de statut élaboré à Madrid en 1912—encore en discussion—et la construction d'un port dont la nécessité, ne fût-ce que comme corollaire du "Tanger–Fez," a été reconnue par toutes les Puissances.

Je ne tiendrai donc pas compte des recettes et dépenses d'exploitation du port actuel, géré, de fait, par le Contrôle de la Dette (voir note annexe (10)), puisque cette gestion disparaîtra avec la construction du nouveau port.

Par contre, je fais état, en dépenses, des charges des nouveaux organismes créés

par le projet de statut; j'ai calculé ces charges d'après l'analyse du projet et d'après d'autres organisations municipales (Tunis, par exemple), et en tenant compte des contingences spéciales à Tanger. Je fais également entrer en ligne de compte la charge nouvelle constituée par la garantie du chemin de fer de Tanger à Fez.

Ceci fait, je traiterai à part la question du port, qui est en ce moment l'objet d'un examen par la Commission internationale siégeant à Paris.

(A.) *Recettes actuelles.*

Je les ai calculées d'après les éléments de prévisions pour 1914. On trouvera dans la note annexe les justifications utiles:

I.—Contrôle de la Dette (moins le port):			Fr.
Douanes (1) (part des perceptions restant acquises à Tanger, déduction faite du transit*)			2,800,000
Mostefadat, domaine, divers (2)			130,000
Moitié de la taxe urbaine (3)			125,000
Redevance des tabacs (part de Tanger) (4)			150,000
			3,205,000
II.—Commission d'Hygiène:	Pesetas Hassani.		
Souscriptions volontaires (5)	40,000		
Abattoirs (6)	32,000		
Marchés (7)	120,000		
Subventions et fonds de concours divers (8)	30,000		
Moitié de la taxe urbaine	160,000		
Recettes diverses	6,000		
	388,000	soit	310,000
III.—Caisse spéciale des Travaux publics (9)			650,000
Total sans le port (10)			4,165,000

* Du moins, d'après mes renseignements; serait à vérifier.

Ces recettes ont été calculées aussi largement que possible et elles doivent être considérées comme des maxima. Pour des calculs budgétaires normaux, on eût pris non pas les résultats, évalués, d'un exercice en cours, mais la moyenne, bien moins élevée, des deux ou trois derniers exercices, c'eût été peut-être prudent, car il peut y avoir des fléchissements des recettes, surtout si on a égard aux événements possibles dans le reste du pays.

Enfin on peut se demander avec inquiétude ce qu'il adviendra d'une zone qui ne produit rien, dont l'exportation tombe à néant, tandis que l'importation augmente; 20 à 25 millions de marchandises entrent annuellement à Tanger et correspondent à une sortie de fonds; par quelles recettes cet appauvrissement est-il remplacé? Il y a là une question inquiétante.

Dans ces conditions, tout au moins, les chiffres ci-dessus, peuvent servir de base pour les années qui vont suivre; les plus-values possibles seront certainement compensées, sinon dépassées, par les accroissements de dépenses dont la nécessité ne peut manquer de se manifester, surtout dans une période de début, et avec l'accroissement constant du prix de la vie au Maroc.

D'autre part, certaines recettes actuelles disparaîtront lors de la constitution de la municipalité; souscriptions volontaires, subventions du Conseil sanitaire, &c. (II ci-dessus.) Soit environ 65,000 fr.

Pour ces raisons, je considère qu'on doit tabler sur des recettes totales de 4,100,000 fr. au maximum.

(B.) *Dépenses.*

J'ai évalué les charges actuelles ou futures d'après les éléments que je possède et d'après les budgets pour 1914 (voir les justifications de la note annexe):

(a.) *Charges actuelles.*

I.—Contrôle de la Dette (moins le port):	Fr.
Emprunts de 1904 et 1910	1,110,000
Part qui serait imputée à Tanger (11) si on la proportionnait aux recettes douanières.	
Frais de gestion et de surveillance des douanes (part imputable à Tanger des frais généraux et calculée au prorata des recettes, et dépenses locales (12) (serait à vérifier: paraît trop faible)	220,000

		Fr.
II.—Charges d'État		1,330,000
	Fr.	
Police chérifienne (dépenses actuelles) (13)	950,000	
Administration indigène (dépenses actuelles), taxe urbaine, commissions, &c. (14)	300,000	
		1,250,000
III.—Commission d'Hygiène (charges municipales) :		
Personnel	40,000	
Balayage et nettoiement (15)	105,000	
Éclairage (15)	55,000	
Service d'incendie	12,000	
Travaux neufs	110,000	
Divers	18,000	
		340,000
IV.—Caisse spéciale des Travaux publics :		
Fonctionnement du service technique et du comité (part imputable à Tanger d'après le projet de statut) (16)	100,000	
Dépenses d'entretien (17)	150,000	
Travaux neufs	800,000	
		1,050,000
Total		3,970,000

Les recettes étant évaluées à 4,165,000 fr., on voit donc que, malgré les charges très lourdes que lui impose sa situation spéciale, même en portant à son passif une part des emprunts de 1904 et 1910 caculée au prorata de ses recettes, ainsi que les dépenses du représentant du Sultan qui sont des dépenses de souveraineté du Makhzen, et qui ne paraissent pas devoir incomber à Tanger, plus que celles des représentants des autres Puissances, Tanger, si elle avait joui de ses ressources propres, eût équilibré jusqu'ici son budget sans être débitrice des autres zones.

Cet équilibre serait, à vrai dire, assez tendu. Il ne permettrait que la satisfaction des besoins les plus urgents, ne laisserait aucune place à l'imprévu (épidémies, par exemple), et pourrait être rompu au premier fléchissement des recettes, que nous avons calculées peut-être trop largement ; il supposerait enfin que les services municipaux à créer (eaux, électricité, &c.) se paieraient sur les recettes, sans intervention du budget : ce qui est douteux.

Quant au faible excédent de recettes, 195,000 fr., qui résulte des chiffres précédents, il disparaîtrait du fait même de la situation nouvelle de Tanger.

	Fr.
En effet, d'une part, les souscriptions volontaires et subventions à la Commission d'Hygiène figurant aux recettes (II) tomberaient, ci	55,000
D'autre part (voir note annexe (13)) la dépense des troupes de police serait à porter 1,000,000 fr., ci un excédent de	150,000
Total	205,000

et l'excédent de 195,000 fr. se transformerait en léger déficit de 10,000 fr.

Bref, on peut dire que le budget de Tanger serait à peu près en équilibre, même dans l'avenir, si on ne lui conservait que les charges actuelles.

Évaluons maintenant les charges nouvelles :

	Fr.
I.—Charges créées par le statut (chaque service comporte des bureaux, des services rattachés, des établissements extérieurs) :	
Tribunal international .. .. (et rapidement 350,000 fr. d'après les prévisions du statut).	300,000
Comité de Contrôle et Conseil sanitaire (secrétariat)	35,000
Municipalité et administration générale (secrétariat, présidence, &c.) au minimum	100,000
Intérieur (police municipale, prison, &c.)	325,000
Finances (direction, recettes, trésorerie)	170,000
Enseignement, assistance, hygiène (abattoirs, marchés, désinfection, &c.) ..	160,000
II.—Garantie d'intérêt du Tanger-Fez (chiffre calculé)	250,000
III.—Port :	
En admettant provisoirement que les recettes d'exploitation, dans la période considérée, couvrent les frais correspondants, les dépenses d'entretien et de réparations, et permettent d'assurer un dividende d'attente minime au capital-actions (c'est probablement le maximum qu'on puisse espérer), il restera à garantir les obligations, soit 20,000,000 à 25,000,000 fr., à 5·5 pour cent amortissement compris, soit de 1,100,000 à 1,400,000 fr., mettons	1,160,000
Total	2,500,000

On conclut donc que, pour assurer à Tanger un développement normal—restant même modeste—pendant la période qui va s'ouvrir, il faudrait, dans les conditions actuellement envisagés, trouver annuellement pour deux millions et demi de ressources nouvelles* ; la moitié sensiblement de ces charges tiendrait à l'application du projet de Statut et de la convention du chemin de fer de Tanger à Fez ; l'autre moitié à la construction du port, mais les recettes de ce port en s'accroissant, diminueront progressivement la part du déficit correspondant pour la transformer peut être un jour, en excédent.

Il n'en reste pas moins que, pour le moment, il faudrait trouver des ressources nouvelles, réaliser des économies d'organisation puis faire au besoin des avances et concessions à Tanger en attendant la réalisation de cet avenir peut-être assez lointain, et probablement supérieur à la durée de validité du statut (douze ans).

La question ne paraît pas avoir été étudiée jusqu'ici ; l'affaire du port apporte un fait nouveau qui semble devoir mettre cette étude au premier plan des préoccupations actuelles concernant Tanger.

La situation de Tanger ressort comme particulièrement difficile au point de vue financier.

Toute ville, à son début—cela est d'expérience constante—en raison des besoins intensifs que présente une agglomération, doit avoir recours à l'aide d'un État pour vivre et se développer. Elle consomme, en effet, plus qu'elle ne produit ; on a vue que, dans le cas actuel, 20,000,000 ou 25,000,000 de francs sortent annuellemement de Tanger pour payer les importations, sans contre-partie, puisque l'exportation est tombée à néant.

Jusqu'ici Tanger a pu vivre parce qu'elle faisait partie du bloc marocain, mais la nouvelle division du pays l'en isole. C'est là un fait économique nouveau sur lequel on ne saurait trop insister.

La situation mondiale de Tanger sur le détroit de Gibraltar peut sans doute, dans une certaine mesure, apporter une compensation à cette situation locale ; mais les courants extérieurs ne se créent pas du jour au lendemain ; ils ne se créeront pas, en tous cas, tant que le port ne sera pas construit ; et, d'ici là, il faudra bien vivre. Enfin, on ne peut savoir dans quelle mesure Tanger, livrée à ses seules forces, pourra remplir sa destinée et lutter contre des concurrences s'appuyant sur des concours extérieurs.

La liaison de Tanger avec le reste du Maroc (routes et chemin de fer) apparaît donc, d'abord, comme une première condition nécessaire à sa vie ; elle est d'ailleurs aussi utile aux zones française et espagnole qu'elle est indispensable à Tanger.

Il faut ensuite revoir de très près sa situation financière.

Les constatations qui précèdent et qui s'appliqueraient à toute ville neuve, sont singulièrement renforcées, dans le cas actuel, par la situation toute spéciale de Tanger.

D'abord, cette ville est pourvue d'un hinterland assez étendu pour lui imposer des charges, pas assez pour lui apporter des ressources ; d'ailleurs, ce territoire est assez stérile, à tous égards.

Tanger est soumise à des servitudes spéciales en faveur de l'extérieur et des autres zones marocaines : interdiction de construire des fortifications, qui eussent diminué les charges de sa police tout en augmentant la sécurité ; interdiction de modifier les droits de douane sans l'assentiment des Puissances et des autres zones, de créer des droits de circulation, &c. Elle a la charge de garantie d'un chemin de fer surtout utile aux autres zones, et celle de construire, avec ses seules ressources, un port nécessaire à sa vie et qui est aussi le complément indispensable du chemin de fer—d'intérêt commun.

Elle assume des dépenses d'Etat : armée, tribunaux, que lui impose sa situation spéciale.

Ses onze protecteurs, peut-on dire, ne lui imposent que des charges, sans lui venir en aide, comme l'eût fait une métropole unique.

Enfin, Tanger porte le poids d'un passé d'anarchie (emprunts), d'organisme coûteux (contrôle de la dette) qu'il faut maintenir, bien entendu, mais qui ne sont plus à sa taille, et de contrats peu avantageux (monopole des tabacs) conclus en dehors d'elle. Le tout, encore une fois, sans les contre-parties financières, militaires, morales dont bénéficient les autres zones.

C'est là une situation presque paradoxale.

Dans ces conditions, n'eût-il pas été indiqué au moins de rechercher la plus stricte économie dans l'organisation de la cité future. Or, cette organisation, telle qu'elle est prévue au statut est, au contraire, particulièrement coûteuse, parce qu'internationale ;

* D'après les chiffres admis par la Commission de Madrid, et rectifiés, le déficit était de 1,500,000 fr., sans compter le port ; j'arrive, par d'autres voies, au même chiffre, à peu près.

elle prévoit de toutes pièces des organismes nouveaux, superposés aux institutions préexistantes lesquelles, si elles sont coûteuses, offraient du moins l'avantage de pouvoir gérer, pour ainsi dire, sans dépenses supplémentaires appréciables, les nouveaux services municipaux.* Bref, l'organisation prévue au statut, somptuaire, comportant de vrais services d'État adaptés à une petite sous-préfecture, revient annuellement à 46 fr. par tête d'habitant dont 20 fr. pour les services municipaux proprement dits, alors qu'à Tunis elle ne monte guère qu'à 5 fr.

Nous avons cru de notre devoir de donner ces précisions, parce qu'il est peut-être encore temps, à la lumière de ce fait nouveau que constitue l'affaire du port—jusqu'ici mal connue—de chercher des remèdes.

Comme je l'ai dit plus haut, on ne doit pas escompter les plus-values des recettes actuelles, d'abord parce que je les ai largement calculées (voir note annexe), puis parce que ces plus-values seront très vite absorbées par les augmentations de dépenses, les imprévus et la création, si possible, d'un fonds de réserve pour parer aux fléchissements, fort à craindre, notamment sur les douanes. Il ne reste donc à envisager que :

1. La réduction des charges ;
2. La création de ressources nouvelles ; ou
3. Des concours, directs ou indirects, venant de l'extérieur.

Voici, sous toutes réserves, bien entendu, les solutions qu'on pourrait envisager :

1. *Réduction des Charges.*

(*a.*) Réduire équitablement (voir note annexe (13)) à titre soit définitif, soit provisoire, ou simplement faire passer en seconde hypothèque au profit du port, la part arbitraire imposée à Tanger dans le payement des coupons des emprunts 1904 et 1910.

(*b.*) Réduire les dépenses de police chérifienne, qui ne sont pas d'intérêt exclusivement tangérois.

Si on ne peut le faire, qu'au moins la charge qu'assume ainsi Tanger soit portée à son actif, et lui permette d'obtenir des concessions d'autre part.

(*c.*) Réduire les dépenses prévues par le statut, et au moins ajourner la réalisation des nouveaux organismes jusqu'au moment où les ressources la permettront ; en attendant, on se servira, très économiquement, des organismes existants, actuellement bien au point.

(*d.*) Exonérer provisoirement Tanger du payement de sa part de la garantie d'intérêt du Tanger–Fez ; le contrat prévoit cette éventualité.

Nous croyons utile d'attirer l'attention sur divers points :

1. Il n'est pas possible de réduire les dépenses d'outillage, déjà trop faibles pour une zone où tout est à faire et où les travaux coûtent très cher. Les chiffres prévus constituent un strict minimum correspondant aux dépenses actuelles ; on ne peut admettre un recul, au moment où le reste du Maroc va se développer et où Tanger va devenir un port.

2. La Commission de Madrid, pour fixer le coût annuel des charges normales de Tanger, a pris la moyenne des charges à Alger, soit 43 fr. 65 c. par tête d'habitant ; ce taux varie d'ailleurs de 40 à 50 fr. et pour des villes déjà outillées (moyenne des seize villes de France, Algérie, Tunisie) ; aussi avait-on admis qu'on consacrerait en outre 500,000 fr. à l'outillage. Mais la Commission a, d'autre part, adopté des chiffres inexacts.

En rétablissant les chiffres véritables et en adoptant pour les dépenseso rdinaires le chiffre de 43 fr. 65 c. on arrive au total suivant :

	Fr.	Fr.
Dépenses normales (43·65 × 50,000 fr.)		2,182,000
Outillage		500,000
Dépenses spéciales à Tanger :		
Dette (ci-dessus)	1,330,000	
Police chérifienne	950,000	
Tribunal	300,000	
Garantie Tanger–Fez	250,000	
		2,830,000
Total		5,512,000

* Ainsi la gestion de la Caisse spéciale par la Banque d'État depuis 1908 a coûté 60,000 fr. pour un mouvement de fonds de 20 millions et a rapporté 400,000 fr. d'intérêts.

Ce chiffre est à rapprocher de celui établi plus haut (sans le port), savoir :

	Fr.
Dépenses actuelles	3,970,000
Charges nouvelles résultant du statut	1,090,000
Tanger–Fez	250,000
Total	5.310.000

J'arrive donc à un total de dépenses inférieur de 200,000 fr. aux évaluations de la Commission de Madrid : indice de la modération de mon calcul.

2. *Création des Ressources nouvelles.*

On ne peut s'engager dans cette estimation qu'avec prudence.

Le contribuable tangérois paye déjà 100 fr. par tête (en comprenant, à ce taux, tous les indigènes, c'est-à-dire les trois quarts de la population), alors qu'en 1906 les charges fiscales par tête d'habitant ne s'élevaient qu'à 80 fr. environ par tête d'Européen, et 15 fr. par tête d'indigène, en Algérie et en Tunisie.*

Il n'y a pas encore de fortune assise à Tanger, et les difficultés de rentrée des impôts actuels sont un indice à retenir.

Enfin, la Convention de Madrid limite étroitement les possibilités d'instituer des impôts nouveaux pesant sur les étrangers, et le projet de statut pour Tanger impose encore d'autres limites à l'initiative locale en la matière.

On doit toutefois admettre que Tanger supportera les mêmes charges fiscales que les autres villes du Maroc, bien qu'à ce prix elle reste encore défavorisée, puisqu'elle n'a pas à escompter, en outre de ses propres ressources, d'aides financière et militaire venant de l'extérieur. En tous cas, on ne peut prendre de mesures dont le résultat serait d'écarter le trafic de Tanger ; ce serait aller à l'encontre du but poursuivi.

(a.) *Modifications dans l'Assiette des Taxes actuelles.*

Douanes (et Taxe spéciale).—C'est l'impot le plus facile à percevoir, c'est lui qu'on peut songer peut-être à augmenter au moins à l'importation, car, à l'exportation, des dégrèvements vont au contraire s'imposer, certains tarifs étant prohibitifs, presque tous trop élevés.

Nous ne visons donc que l'importation.

Mais il faudrait que la même mesure fût envisagée dans les trois zones, toutes trois d'ailleurs à court de ressources. Le projet de Statut de Tanger lui interdit, du reste, d'agir isolément dans cet ordre d'idées.

Sans parler de certains tarifs sud-américains qui vont jusqu'à 5 à 600 pour cent *ad valorem*, en Turquie, autre pays à court d'argent, nous voyons que les douanes à l'entrée s'élèvent à 15 pour cent.

Au Maroc—taxe spéciale comprise—on n'en est encore qu'à 12·5 pour cent.† On pourrait, par exemple, doubler le taux de la taxe spéciale, pour en appliquer le produit à des travaux publics. On arriverait ainsi au total de 15 pour cent, comme en Turquie, dont 5 pour cent pour la Caisse spéciale. Ce serait une recette sûre, en croissance non moins certaine.

D'après ce qui précède, il en résulterait pour Tanger une augmentation immédiate de recette de 650,000 fr.

Il faudrait aussi réduire les franchises douanières strictement à celles qui sont établies par les traités.

Taxe urbaine.—On pourrait songer à en élever le taux de 6 à 10 pour cent, comme à Tunis.

Cela donnerait 50,000 à 60,000 fr. seulement par an, au prix de sérieuses difficultés, cet impôt étant déjà lourd, rentrant mal et retombant sur les locataires déjà fort exploités.

(b.) *Création de Taxes nouvelles.*

Taxes prévues par l'Acte d'Algésiras.—En dehors de la taxe spéciale (article 66), de la taxe urbaine (article 61), et des droits à incorporer aux recettes du port (article 65 (*c*) : statistique et pesage ; article 65 (*e*) : droits de quai et de phare ; article 70 : droit de stationnement et d'ancrage ; article 71 : droit de magasinage)),

* G. Cochery : Rapport sur le budget de l'Algérie et de la Tunisie pour l'exercice 1907.
† Encore certains produits (les alcools, par exemple), ne payent-ils que 7·5 pour cent.

l'Acte d'Algésiras prévoit des droits de timbre, de mutation et de passeport (article 65, (*a*), (*b*), (*c*)), dont le produit ne peut être évalué à plus de 50,000 fr. par an.

Tertib.—La zone de Tanger est assez peu peuplée et surtout assez peu productrice. On a estimé à 25,000 fr. le produit du tertib.

Recettes judiciaires, postales, &c.—Les recettes judiciaires ont été évaluées à 25,000 fr. au grand maximum. Quant aux postes et télégraphes, sur lesquelles la Commission de Madrid paraissait fonder des espérances, on a perdu de vue qu'il existe déjà à Tanger cinq postes et télégraphes et que ces exploitations sont plutôt déficitaires.

Droits de voirie et contribution des riverains à des travaux publics (égouts, chaussées, trottoirs), au grand maximum 50,000 fr.

Revenus d'établissements ou services communaux (abattoirs, eaux, &c.). Ils suffiraient à peine pendant longtemps à gager les dépenses de création et d'exploitation correspondantes, si même il n'est pas nécessaire de compléter leurs produits sur les autres ressources du budget (pour mémoire).

Octroi (pour mémoire).

A Tanger, qui reçoit tout de l'extérieur du pays, l'octroi se confond avec la douane et c'est ainsi qu'on peut dire que Tanger, tout en ayant des charges d'État, n'a que des recettes de ville, bien qu'elle touche les produits des douanes.

Droits de Circulation.—Interdits par le Statut de Tanger. Seraient d'ailleurs une amorce à la fraude et très difficiles à percevoir.

Droits de Consommation.—Si on réussit à en établir dans les autres zones (ceci est encore très incertain) : A titre de renseignement, il résulterait de statistiques douanières qu'en 1912 il a été importe à Tanger, sous diverses formes :

2,500 hectol. d'alcool pur ;
2,200,000 kilog. de sucre ;
700,000 kilog. de pétrole.

En admettant que toutes ces quantités soient consommées dans la zone et qu'on les frappe de droits de consommation, savoir :

100 fr. par hectolitre d'alcool ;
10 fr. par 100 kilog. de sucre ;
5 fr. par 100 kilog de pétrole

(objet de première nécessité, non imposé dans les pays neufs), l'ensemble de ces droits donnerait une recette de 500,000 fr.

Reste à savoir quelle est la consommation zonière, et, aussi, si les droits nouveaux ne la feraient pas fléchir. Bref, il serait prudent de ne tabler que sur 300,000 fr. à titre de prévision.

Impôt sur les Plus-values immobilières, sur les Terrains non bâtis, sur le Revenu.—L'Algérie demande à contracter un emprunt de 300,000,000 à gager sur ces taxes.

Mais leur application à Tanger est encore aléatoire et lointaine. Seul l'impôt sur les plus-values immobilières eût pu donner d'intéressants résultats, s'il eût été appliqué plus tôt, mais, actuellement, les terrains sont cotés plutôt au-dessus de leur valeur réelle d'avenir : il semble être trop tard.

Au contraire, l'impôt sur les terrains non bâtis s'impose : il est anormal de voir taxer lourdement les propriétés bâties, qui donnent de la plus-value à la ville alors que les terrains nus, qui ne lui apportent aucun élément de prospérité—si même ils n'entravent pas celle-ci—et dont les propriétaires, spéculateurs, ont tout à attendre du développement général, n'y contribuant par aucun impôt. On pourrait, semble-t-il trouver facilement un revenu annuel de 50,000 fr. dans l'impôt sur les propriétés non bâties : et cet impôt, par surcroît, serait une œuvre de moralité. Malheureusement, il sera facile de le tourner en application.

En résumé, on peut prévoir, au grand maximum, pour 400,000 à 500,000 fr. de revenus à provenir de taxes nouvelles.

Si on doublait, en outre, le taux actuel de la taxe spéciale, on arriverait, au total, à augmenter le budget-recettes de 1,000,000 de francs environ.

Mais cette évaluation est peut-être trop optimiste ; elle est en tous cas assez sévère pour le contribuable, qui verra sa charge moyenne par tête, déjà lourde, augmenter de 20 fr. par an.

En affectant à la garantie du port tous ces produits nouveaux qui pourraient être groupés avec la Caisse spéciale, on arriverait presque à assurer cette garantie. Mais il restera à combler le déficit du budget ordinaire.

Pour y arriver on doit donc envisager, en outre des réductions dans les charges

imposées à Tanger, l'hypothèse d'un secours extérieur, par exemple, d'une subvention des Puissances intéressées au protectorat collectif de Tanger (solution analogue à celle adoptée pour le phare du cap Spartel) ou seulement des principales d'entre ces Puissances, ou seulement enfin des protectorats français et espagnol, en raison de l'intérêt que Tanger présente pour ces deux Puissances. On a parlé dans cet ordre d'idées d'un abandon sur les ristournes douanières dues par Tanger aux deux autres zones, en raison de ce fait que les marchandises à destination de celles-ci passant par Tanger utiliseront le port et le chemin de fer, tous deux déficitaires, et dont Tanger assurera ou partagera les charges de garantie, au bénéfice des zones voisines.

Toutes ces hypothèses devraient faire l'objet d'études suivies où le point de vue politique aura certainement à jouer un rôle.

Note Annexe.

Développement et Justifications.

(1.) *Douanes.*

	Pesetas Hassani.*		Fr.
Recettes de 1910	2,240.000	soit	1,800,000
„ 1911	2,640,000	„	2,110,000
„ 1912	2,850,000	„	2,300,000
„ 1913	3,222,000	„	2,600,000
„ 1914 évaluées à	3,515,000†	„	2,800,000
Recettes moyennes annuelles de 1904 à 1912 (inclus) ..	2,000,000	„	1,500,000

* Le change est calculé à 125 pour cent ; il a plutôt tendance à dépasser ce taux, en sorte que les chiffres en francs sont plutôt au-dessus de la réalité.

† Cette évaluation est faite en prenant les 12·5 pour cent de la recette encaissée du 1er janvier au 31 mai, 1914 : 1,465,000 pesetas Hassani. L'accroissement moyen annuel de 1910 à 1913 a été de 270,000 fr.

Ces chiffres ne comprennent pas les droits perçus sur les marchandises en transit avec les deux autres zones, au moins me l'a-t-on affirmé—(à voir) :

Le chiffre de 1913 se décompose comme suit :

	Pesetas Hassani.
Importation	2,853,000
Exportation	296,000
Cabotage (droits de statistique)	73,000
Total	3,222,000

Les recettes douanières ont été, jusqu'ici, en croissance assez rapide.

Mais cette croissance ne se maintiendra certainement pas, Tanger ne bénéficiant pour aucune part des droits de douane perçus dans son port sur les marchandises en transit avec les deux autres zones. Ceux-ci seront donc réduits à leur seul développement urbain, la zone internationale ne donnant lieu à aucun trafic.

D'ailleurs, les conditions d'exploitation de la ligne Tanger–Fez, ses tarifs très élevés (les marchandises de première catégorie paieront plus de 100 fr. la tonne entre Fez et Tanger), l'établissement de ports sur la côte atlantique, ne permettent guère à Tanger d'espérer qu'un trafic de voyageurs en transit ; c'est peu de chose au point de vue financier. D'autre part, Tanger aura à supporter une partie de la garantie du chemin de fer.

L'exportation qui était surtout constituée par du bétail, est en diminution constante depuis trois ans, ceci est dû à la nouvelle situation économique et politique du Maroc. (29,000 bœufs sortis en 1911 ; 11,000 en 1912 ; quelques centaines seulement en 1913). Les recettes à l'exportation ont fléchi de près de 90 pour cent depuis trois ans.‡ Tanger est encerclée, pour ainsi dire, par la zone espagnole.

‡ Voici, du reste, les chiffres des droits perçus à l'exportation :

	Fr.
1911	810,000
1912	410,000
1913	235,000
1914 (d'après les cinq premiers mois)	86,000

Ils montrent que le nouvel état de choses politique est préjudiciable à Tanger.

[For continuation of footnote, see next page.]

Bref, il est prudent de ne pas tabler sur un accroissement supérieur à 150,000 fr. par an, pour les prévisions de cette nature. C'est ce que j'ai fait pour l'évaluation sur la recette de 1914.

(2.)

Le domaine de Tanger dont on eût pu espérer des revenus importants—à l'origine, toutes les terres étaient domaniales, au Maroc—a été laissé sans défense et littéralement pillé de tous côtés depuis quelques années. Si on ne peut arriver à annuler des donations chérifiennes de la dernière heure et des accaparements scandaleux, cette source de revenus, qui eût été si précieuse, doit être considérée comme tarie. Il ne faut pas escompter de plus-values sérieuses: chaque jour amène encore de nouvelles usurpations. Ne pourrait-on procéder, comme on l'a fait en zone française, à une revision des titres et donations?

Malheureusement, les bénéficiaires, avisés, ont eu le soin, dans la plupart des cas, de faire passer les immeubles aux noms de tiers.

(Mêmes observations, soit dit en passant, pour les biens habous (droits de clef, &c.), dont il n'y a plus rien à espérer.)

(3.) *Taxe urbaine : Recensement de* 1913.

	Pesetas Hassani.
Valeur locative des immeubles de Tanger	5,125,000
	Fr.
Dont le 8 pour cent est 410,000 pesetas Hassani, soit	320,000
On est obligé d'admettre, en dégrèvement et en non-valeurs 20 à 25 pour cent, ci	70,000
Reste	250,000

Encore cet impôt rentre-t-il très difficilement jusqu'ici, dans toutes les villes du Maroc.

On ne doit pas espérer d'ailleurs de rapides plus-values, au moins pour Tanger. Le recensement a été effectué, en effet, avec une grande rigueur dans cette ville. Ainsi le chiffre de la valeur locative est passé de 3,430,000 pesetas Hassani en 1912 à 5,125,000 pesetas Hassani en 1913; ce dernier chiffre correspond à une valeur moyenne de 87 fr. par tête d'habitant (45,000 à 50,000 habitants, dont 12,000 à 15,000 Européens seulement), alors qu'à Tunis, capitale d'État, la même année, c'est-à-dire après trente ans d'organisation et de prospérité, on n'arrivait qu'à 14,300,000 fr., correspondant à 80 fr. par tête seulement (180,000 habitants, dont 60,000 Européens).

Le recensement de 1912, alors qu'il donnait 3,430,000 pesetas Hassani, pour Tanger, n'accusait que 2,900,000 pesetas Hassani pour Casablanca, 885,000 pesetas Hassani pour Rabat, et 438,000 pesetas Hassani pour Larache.

Ces rapprochements montrent que le recensement de Tanger a été effectué bien plus rigoureusement que dans les autres villes du Maroc et qu'on ne peut escompter une plus-value d'une organisation plus serrée.

Le développement de la construction tendra à augmenter la valeur imposable, mais il aura en même temps pour effet de diminuer le prix des loyers actuellement exorbitant, c'est-à-dire la valeur locative de chaque immeuble.

A Tunis, la valeur locative est passée de 6,050,000 fr. en 1893 à 14,300,000 fr. en 1913, soit un accroissement moyen, d'ailleurs assez régulier, d'environ 400,000 fr. par an; sur les mêmes bases, on devrait, à Tanger, tabler sur 120,000 fr. par an, au plus, produisant une plus-value de 10,000 fr. pour la taxe: ces chiffres, supposeraient la construction régulière d'immeubles à loyer pour plus d'un million et demi par an, sans fléchissement des loyers; c'est un très grand maximum qu'il est prudent, pour des prévisions, de réduire à 5,000 fr. étant données les considérations qui précèdent.

Au contraire, l'utilité du port de Tanger comme transit pour les deux autres zones s'accuse par l'accroissement des droits de statistique perçus sur le cabotage comme ci-après:

	Fr.
1910	10,500
1911	18,500
1912	31,000
1913	58,000
1914 (évalué)	60,000

Mais c'est là une recette insignifiante pour Tanger.

(4.)

Les sommes versées annuellement par la Société des Tabacs au Makhzen comportent une redevance fixe et une part dans les bénéfices nets.

Elles ont atteint en 1912, les valeurs suivantes:

	Pesetas Hassani.
Redevance fixe	1,070,000·00
Part de bénéfice	163,682·70
Total	1,233,682·70
	(Soit 1,000,000 de francs.)

En 1913, en raison de l'exploitation de kif, ces chiffres sont devenus:

	Fr.
Redevance fixe (1,600,000 pesetas Hassani), soit	1,300,000
Part de bénéfice*	915,000
Total	2,215,000

* Son taux varie de 45 pour cent des bénéfices nets, lorsque ceux-ci ne dépassent pas 75,000 pesetas Hassani, à 80 pour cent pour l'excédent au delà de 3,000,000 pesetas Hassani. Le bénéfice net de 1913 aurait donc été, d'après cela, de 2,000,000 pesetas Hassani environ. Lorsqu'il aura doublé (4,000,000 pesetas Hassani), la part du Makhzen, compris la redevance fixe, sera de 4,253,000 pesetas Hassani, soit 3,400,000 de francs.

D'après les renseignements fournis par la Société, la vente à Tanger serait d'environ 6 pour cent. (Vente mensuelle 60,000 fr. pour un total de 1,000,000.)

Dans ces conditions la part de Tanger eût été:

	Fr.
En 1912	60,000
En 1913	130,000

On ne doit pas escompter un accroissement appréciable, puisque Tanger étant une agglomération, tous les consommateurs sont déjà atteints, et la vente ne variera probablement plus qu'en proportion de l'accroissement de la population urbaine, c'est-à-dire très lentement. Le saut brusque de 1912 à 1913 est dû à l'exploitation du kif.

Le chiffre de 150,000 fr. doit donc être raisonnable comme évaluation.

Tanger eût pu tirer des ressources plus sérieuses de l'exploitation des tabacs, concédée à des conditions très avantageuses pour la Société fermière; malheureusement, sur ce point comme sur bien d'autres, l'avenir de Tanger est hypothéqué par des accords antérieurs à la constitution de sa municipalité.†

(5.)

Les souscriptions ont atteint 40,000 pesetas Hassani en 1914 (*sic*); 6,000 pesetas Hassani seulement en 1913. Mais cette recette doit disparaître totalement avec l'avènement de la nouvelle municipalité; les subventions diverses disparaîtront aussi.

(6.)

Les recettes des abattoirs ne pourront s'accroître que lorsqu'on aura construit des établissements convenables, et pendant longtemps elles suffiront à peine à couvrir les dépenses correspondantes.

A Tunis les abattoirs donnent une recette brute de 1 fr. 50 c. par habitant; à Alger, de 9 fr.

(7.)

Les marchés ne donnaient en 1913 que 40,000 pesetas Hassani. Le chiffre de 120,000 pesetas Hassani a été prévu pour 1914, en raison de la mise en service des nouveau locaux.

La recette brute des marchés, par tête d'habitant est de 10 centimes à Tunis, et de 3 fr. à Alger.

(8.)

Subventions du Conseil sanitaire, sur les recettes du port (santé) et de l'apponte-ment; tout cela, avec le nouveau port, disparaîtra.

† En Tunisie, l'exploitation en régie a produit des ressources supérieures, pour l'État (bénéfice net 6,572,000 fr., en 1905, pour 2,000,000 d'habitants).

(9.)

Voici la progression des recettes de la taxe spéciale à Tanger :

Année.	Totale.	Cinq premiers Mois.
	Pesetas Hassani.	Pesetas Hassani.
1909	324,000	..
1910	342,000	..
1911	415,000	165,000
1912	583,000	228,000
1913	725,000	268,000
1914	..	339,000

Sur la base des cinq premiers mois, la recette de 1914 serait de 816,000 pesetas Hassani. Soit 650,000 fr., en accroissement de 70,000 fr. sur 1913. L'accroissement moyen annuel, de 1909 à 1914, serait de 100,000 pesetas Hassani, soit précisément environ 70,000 fr. aussi.

(10). *Recettes et Dépenses du Port actuel.*

(A.) *Recettes.*

Voici les chiffres fournis, pour l'année 1913 ; par le Contrôle de la Dette qui gère les services :

	Recettes.	Tonnage manipulé.	Moyenne par Tonne.
Acconage :	Pesetas Hassani.	Tonnes.	Pesetas Hassani.
Importation	587,000	81,000	7·25
Exportation	31,000	3,500	8·85
Cabotage	167,000	16,000	9·80
Transit	171,000	11,500	14·85
Divers	22,000	..	..
Total	968,000	112,000	8·65
Ancrage	32,000		
Magasinage	50,000		
	1,050,000 (soit 850,000 fr.).		

A retenir :

1. Le tonnage manipulé au port de Tanger en 1913, 112,000 tonnes ; chiffre majoré au point de vue du port, pour des raisons exposées ailleurs, admettre 125,000 tonnes.

2. La charge moyenne de l'acconage : 8·65 pesetas Hassani, soit 7 fr. par tonne.

3. La part de transit, qui, en 1913, atteint 14·2 pour cent du tonnage total, et 29 pour cent de la recette totale.

(B.) *Dépenses.*

	Pesetas Hassani.
Matériel	558,000
Personnel	747,000
Total	1,305,000

Mais le premier chiffre comprend une somme de 245,000 pesetas Hassani, pour achat exceptionnel de matériel neuf (barcasses, remorquers, canot de sauvetage, grues, hangars, &c.).

Cette dépense n'est pas courante et ne devrait figurer au compte de l'exercice que pour son amortissement, soit environ 35,000 pesetas Hassani.

Il faut donc retrancher du chiffre précédent : 245,000 − 35,000 = 210,000

pesetas Hassani ; reste pour les dépenses 1,095,000 pesetas Hassani, soit 880,000 fr., chiffre un peu supérieur à celui des recettes.

Le sens de ces chiffres est douteux : il est en effet notoire que Tanger est le port du Maroc ou l'acconage est à la fois le plus facile et payé le plus cher. Si le service était en déficit à Tanger, que dirait-on des autres ports ? Probablement les chiffres ci-dessus contiennent des dépenses d'intérêt commun (installations).

(11.)

En attendant une ventilation exacte des charges des emprunts de 1904 et 1910 entre la zone française et celle de Tanger (cette ventilation a déjà été faite par la zone espagnole dès l'accord du 17 novembre, 1912), on a calculé cette charge au prorata des recettes douanières.

On verra plus loin que la part des recettes douanières de Tanger peut s'estimer à 12 p our cent du total.

Or, d'après le Contrôle de la Dette, le payement des emprunts a absorbé, de 1911 à 1912, 36,048,709·57 pesetas Hassani, soit, au taux moyen de 130 pour cent, 27,700,000 fr., ou 9,235,000 fr. par an, dont les 12 pour cent seraient 1,110,000 fr., chiffre très lourd pour un budget naissant de 4,000,000 de francs. Il correspond à une charge moyenne de 28 fr. par tête d'habitant et par an. Or, une statistique faite sur seize villes de France, Algérie, Tunisie, a fait ressortir la charge moyenne des emprunts dans ces villes à 10 pour cent par tête seulement.

(12.)

Voici, d'après les renseignements officieux et approximatifs fournis par le Contrôle de la Dette, la répartition des recettes douanières brutes (en pesetas Hassani) :

—	Zone française.	Zone espagnole.	Tanger.	Total.	Tanger.
					Pour cent.
Total, 1911	..	..	3,134,000	29,341	10·7
Année 1912	20,610,000	2,770,000	2,850,000	26,230,000	10·9
„ 1913	20,132,000	2,650,000	3,222,000	26,004,000	12·4

La moyenne générale 1911–1913 accuse un pourcentage de 11·3 pour cent pour Tanger.

Ces chiffres montrent, en passant, que la part espagnole fixée à 7·95 pour cent par l'accord de 1912 serait à reviser.

Quant aux dépenses du Contrôle pendant la même période, elles se chiffrent comme suit :

Frais de Gestion.

	Pesetas Hassani.
Administration centrale	1,400,000
Douanes	4,300,000
Domaine et Mostafadet	915,000
Surveillance douanière	3,172,000
Total	9,787,000

Pour calculer la part de charges afférentes à Tanger, il faut retrancher des dépenses de surveillance douanière la surveillance maritime, qui n'est exercée que sur les autres zones, et qui a coûté durant la même période 2,510,000 pesetas Hassani, reste donc 7,277,000 pesetas Hassani, soit, au change moyen de 130 pour cent, 5,600,000 fr., et par an 1,860,000 fr., dont les 12 pour cent, que provisoirement nous appliquerons à Tanger, représente 220,000 fr.

J'ai cherché à vérifier ce chiffre par une autre méthode.

Le tableau du personnel du Contrôle de la Dette (acconage non compris) fait ressortir que, en dehors du personnel supérieur, au sujet duquel je n'ai aucun renseignement, le service compte dans l'ensemble du Maroc 350 agents, dont les traitements montent à 1,525,000 fr. ; sur ce total, soixante-quinze agents, coûtant 310,000 fr., à Tanger ; ce serait donc, en nombre et en dépense, 20 pour cent du total. Mais les deux

derniers chiffres qui précèdent comprennent des agents du Service central, non imputables à la zone de Tanger seule ; et il y a trente-cinq agents de cette catégorie, coûtant 180,000 fr. Il viendrait donc pour Tanger :

	Fr.
Agents locaux, 310,000 — 180,000 fr. =	130.000
et 12 pour cent des agents du Service central	20,000
Total	150,000

Il resterait donc 220,000—150,000=70,000 fr. pour la part de Tanger dans le personnel supérieur et le matériel ; ce chiffre est vraisemblable.

(13.)

Voici le montant total des dépenses des deux tabors de police chérifienne à Tanger, de 1907 à 1912 inclus :

	Fr.
Tabor No. 1 (extra-urbain)	2,975,000
Tabor No. 2 (urbain)	1,053,000
	4,028,000
Ajouter dépenses d'organisation et divers	547,000
En tout	4,575,000

Déduction faite des dépenses d'organisation et divers, la moyenne annuelle pour la période considérée ressort donc à 670,000 fr. Le chiffre de l'année 1912 s'élève à 878,000 fr., se décomposant ainsi :

	Fr.
Tabor No. 1	643,000
Tabor No. 2	235,000
Total	878,000

mettons 880,000 fr.

Jusqu'au 1er mars, 1912, l'entretien des tabors a été assuré par des avances de la Banque d'État, remboursées sur les fonds de l'emprunt de 1910 (dont Tanger paie, d'autre part, une fraction) et sur les bénéfices de la frappe (dont une partie doit revenir à Tanger).

En calculant le montant de la dépense du 1er janvier au 1er mars, 1913, sur le prix des dépenses de 1912, on arrive au chiffre total suivant, au 1er mars, 1913 :

	Fr.
1907–1912	4,575,000
1er janvier–1er mars, 1913	145,000
Total	4,720,000

Il a été, paraît-il, décidé qu'à partir du 1er mars, 1913, les avances faites par la Banque d'État pour le payement de la police tangéroise seraient remboursées par la future municipalité.

Tanger devrait, de ce chef, au 30 juin, 1914, une somme de 1,230,000 fr., qui s'accroît de 76,000 à 78,000 fr. par mois, soit 925,000 fr. par an.

Bien entendu, au regard de cette créance, il faudra porter à l'actif de Tanger les sommes versées par le Contrôle de la Dette, en 1912, puis chaque année, au Makhzen et provenant des recettes tangéroises.

D'après les renseignements qui nous ont été fournis d'autre part par M. l'instructeur en chef, l'ensemble des deux tabors compte actuellement 791 unités, qu'il convient d'estimer à 1,000 fr. par homme, ci 790,000 fr. (compris habillement, entretien de casernement, achat et entretien des chevaux). A cette somme il conviendrait d'ajouter l'entretien des instructeurs européens, ci 200,000 fr. : Total, 990,000 fr., mettons 1,000,000 de francs.

Mais M. l'instructeur en chef fait observer que la nouvelle organisation reviendra un peu plus cher. Les tarifs de solde ont été en effet établis il y a sept ans et sont devenus insuffisants en raison du renchérissement de toutes choses à Tanger ; il faut prévoir des primes de rengagement, des retraites, le renouvellement de l'armement, &c.

Bref, M. le Commandant Toulat estime qu'on doit table sur une dépense annuelle de 1,100,000 fr.

Cette dépense est extrêmement lourde et on doit noter qu'elle est imposé à Tanger, moins par la situation de sa zone, tranquille et bénéficiant d'une sorte d'immunité

morale au point de vue des indigènes, que par la nécessité de garder sa frontière en raison de l'état de guerre où se trouve la zone voisine ; lorsque la pacification de celle-ci sera complète, il semble qu'on pourra réduire beaucoup les dépenses de cet article. Bref, j'ai adopté comme chiffre des dépenses annuelles :

	Fr.
Actuellement	950,000
Dans l'avenir	1,100,000

(14.)

L'administration indigène coûte actuellement 27,000 pesetas Hassani par mois, soit annuellement 260,000 fr. Ajouter, pour la taxe urbaine 30,000 fr. et les commissions 10,000 fr., 40,000 fr. : Total, 300,000 fr.

(15.)

Les dépenses de balayage et d'éclairage ont triplé depuis deux ans ; c'est d'ailleurs très naturel, et les services sont encore insuffisants.

(16.)

Cent mille francs seulement si on applique la répartition prévue au statut. Sans cela, il faudrait ajouter 200,000 fr., c'est-à-dire que le fonctionnement du service serait pratiquement impossible.

(17.)

Cent cinquante mille francs du budget de 1914. (Cette dépense, nulle en 1911, s'accroît rapidement.)

(18.)

Huit cent mille francs est le chiffre moyen des dépenses annuelles de travaux neufs. Pour une ville neuve de 50,000 habitants où tout est à créer, qui n'est pas aidée par un État, et où les travaux sont au moins 40 pour cent plus chers qu'en France, c'est un minimum ; il faudrait un million, correspondant à 20 fr. par tête d'habitant, et à 15 fr. si on tient compte de la zone. *Cf.* Gibraltar (pourtant déjà outillée, et en partie aux frais de l'État anglais*), où on consacre 56 fr. par tête d'habitant au service des travaux publics. A noter qu'il faudra dans la zone, créer et entretenir des routes, points d'eau, &c. Le chiffre de 800,000 fr. est un *minimum minimorum* qu'il ne faut réduire à aucun prix.

[33705] No. 51.

Mr. Kennard to Sir Edward Grey.—(*Received July* 25.)

(No. 204.)

Sir, *Tangier, July* 16, 1914.

I HAVE the honour to report that the 14th July was celebrated by the French colony here with more than usual ceremony ; indeed, any stranger might have imagined himself in a French town in Algeria or even France. French flags were distributed gratis for the occasion, and the local native authorities lent their assistance in an unprecedented fashion in the organisation of the various fêtes arranged. The Corps diplomatique, the foreign colonies and warships, received invitations to attend these ceremonies, and every effort was made to give the impression generally that the French colony was acting as host in its own house. Even the scribe of this legation, who is a native of some standing in the Moorish population, received a special invitation for the ball given by the colony, a fact that would seem to show how alive the French are to the advantage of nursing the Moorish vote for the future municipal elections.

A significant feature is the absence of the text of the French agent's speech to his colony in the local newspapers, which have hitherto always printed it *in extenso*. I gather that the French colony were not entirely pleased with M. Couget's remarks, as he emphasised the fact that no one colony would possess any privileges in the

* Le budget total de Gibraltar monte (" Blue Book " pour 1911) à 94,573*l.* pour 25,000 habitants, dont 6,000 marins et soldats : c'est 96 fr. 50 c. par tête sans les charges qui vont peser sur Tanger (dette, armée, &c.), et avec le concours d'une puissante métropole qui a construit le port, &c., et Gibraltar n'est pourtant pas une ville de luxe.

future régime of Tangier and that all the foreign colonies were on a footing of equality. This utterance had rather a dampening influence on the ardour with which local French orators and journalists have been proclaiming that French influence is supreme here and that, whether the foreign colonies liked it or not, it must be a recognised fact.

One cannot, however, but admire the manner in which the French colony have, in a short time, entirely eclipsed the other colonies, and have attained an administrative and commercial predominance which should prove almost unassailable. It is regrettable that British interests have within the last two years rather declined than increased, many proprietors of large estates having sold them to French speculators and no new commercial or other enterprise having taken their place. The German colony have shown more capacity for organisation, and a club and new school under Government auspices are now being established.

It is interesting to note that the French Government are giving a new grant of 180,000 fr. for the French college here, where, by the way, most English children here learn their own language.

I happened to discuss the financial situation here informally with the French agent this morning and, in the course of conversation, he expressed the opinion that in view of the lack of funds it would be preferable to continue the present system of government here with slight modifications until it was possible to ascertain whether we could afford the costly régime it was proposed to institute here. I pointed out that, among other objections to this suggestion was one which I hesitated to mention, but which, feeling sure that he would not mind my speakly frankly, I would touch upon. There was an impression here in certain circles that advantage was being taken of this period of transition during which the Sultan, advised by the Residency-General, still had power to make all native appointments and control native administration to consolidate the French position here, and gain undue influence amongst the natives. I did not express this as a personal opinion, but as one which I knew to be held by certain people here. I had the greatest admiration for the energy and enterprise which the French colony have shown in striving to attain a premier position, commercially and socially, but I feared that that any even modified continuance of the present régime or rather lack of régime would not be looked upon with universal favour.

M. Couget, who did not in the least resent my observations, said that he knew that this impression existed, and that he was doing his best to correct it. He had given instructions to his dragomanate never to approach the local native authorities here except on matters immediately concerning French interests. He was also making every effort to put an end to the petty jealousies which existed between rival colonies, more especially amongst the Spaniards, but feared that it would be impossible to prevent unpleasant incidents when the municipal elections took place.

I expressed great satisfaction at M. Coguet's assurances and feel sure that they are sincere, as they are confirmed by what I hear from native sources. The fact, however, remains that French interests are supreme here despite the efforts made by the Spaniards to adopt similar methods in a less elaborate manner, such as organising demonstrations when a Spanish politician passes through Tangier.

In this connection I would mention an incident which was told me in confidence by M. Couget. It appears that Count Romanones, the Spanish ex-Premier, while he was here last week, said to the Russian agent, while discussing the Tangier negotiations, that there was one Power which was obstructing the conclusion of the negotiations, and that was England, who was taking advantage of this period of transition to consolidate her interests here. As I said to M. Couget, the remark is the more amusing as British interests have rather declined here than increased during the last two years; it is, however, unfortunate that a Statesman, in Count Romanones' position, should make misleading remarks of this kind. There seems no doubt that Spain much resents that England and France should have come to terms regarding the Tangier question without her taking a part in the discussions.

I have, &c.

H. W. KENNARD.

[32681] No. 52.

Foreign Office to Board of Trade.

Sir, *Foreign Office, July* 25, 1914.

WITH reference to Foreign Office letter of the 8th instant, I am directed by Secretary Sir E. Grey to transmit to you herewith a copy of a despatch from His Majesty's Chargé d'Affaires at Tangier relative to the financial aspect of the scheme for port works there.*

The impression gathered by Mr. Kennard as to the difficulty of making financial arrangements for the construction of the port is confirmed by Mr. White and by Captain Frederick in his preliminary report on the meetings of the Tangier Harbour Commission. It seems probable that before long His Majesty's Government will be requested to consider the question whether, to meet this difficulty and to create some fresh source of income for the new municipality of Tangier, which could, if necessary, be pledged in some way for meeting the initial outlay on the port, the treaty Powers should not agree to an increase of the customs surtax from 2½ per cent. to 5 per cent. Sir E. Grey considers that it would be of advantage if the Board of Trade could form some general and provisional conclusion as to the expediency of such an increase from the point of view of British trade interests in Morocco. It would seem to be a matter for consideration whether the additional burden which would be imposed on the import trade by an increase in the customs duties at all Moorish ports would not ultimately be counterbalanced by the impetus given to trade and shipping by the creation of properly organised ports at Tangier and other coast towns.

I am, &c.

EYRE A. CROWE.

[39009] No. 53.

Mr. Kennard to Sir Edward Grey.—(*Received August* 14.)

(No. 218.)

Sir, *Tangier, August* 3, 1914.

I HAVE the honour to report that the present European crisis has naturally made a deep impression here, and caused a certain uneasiness as to what effect the withdrawal of the French troops from the protectorate may have on the security of Tangier and the rest of Morocco.

I have discussed the matter with my French and Spanish colleagues and other officials here. M. Couget does not know exactly what measures will be taken by the French authorities, though, of course, all military movements in connection with the Taza and Zaian operations will have to be immediately cancelled. There was severe fighting in both of these regions last week, General Gouraud losing some fifty killed and eighty wounded, though inflicting a severe lesson on the tribesmen, who are said to have lost some 700 killed.

There are some 30,000 French troops in Morocco, of whom it is thought a large proportion will be repatriated. There will remain approximately a similar number of Algerian and Senegalese troops to hold the coast towns and possibly Fez and Marrakesh, but the work of pacification of the interior will have, of course, to be entirely abandoned and recommenced later. It is even suggested that the Algerian and Senegalese regiments may perhaps be withdrawn and the ports defended by civilians. The French naval division has also been withdrawn, and it is felt that these measures may have a serious effect on the attitude of natives to Europeans in Morocco, and this feeling has extended in a remarkable degree to Tangier, which has always in past crises been thrown into a panic owing to the large Jewish community and European population of the poorest class.

There seems to be no cause for apprehension—at present, at any rate. The most serious feature of the situation is the rise in the price of foodstuffs owing to the unscrupulous speculation of local merchants. The tightness of money is also causing some uneasiness, and the departure of large numbers of French reservists on moblisation has, no doubt, made some impression on the natives here. Hearing of certain disturbances in connection with the sailing of reservists, I suggested to my French colleague that it would be well to warn his "ressortissants" who were returning to

* No. 49.

France to leave here as quietly as possible, in view of the effect any demonstration might have on native opinion here. As most of the public works here have been in charge of French officials who have been obliged to return to France, and work has, therefore, ceased, there is now a great deal of unemployment, which may increase discontent among the native population, which is aggravated by the coincidence of Ramadan, which always acts as an irritant.

Sid Ali Zaky, the able and energetic President of the Public Works Committee, came to see me this morning, and while expressing his opinion that there was no need for any panic, stated that it was imperative to deal with the rise in food prices and unemployment, which were the main causes of the present uneasiness. Supplies can always be obtained from Spain, or even South America or elsewhere, but he suggested that the Makhzen authorities should control these prices, and that, as numbers of the local dealers were foreign protégés, the legations should agree to withdraw their protection from any native who declined to carry out the orders of the Basha in this respect. With regard to unemployment, he proposed that the construction of the roads, &c., hitherto under contract, should be resumed by the administration. Both these proposals should do much to relieve the present tension, and are to be submitted to the Corps diplomatique for their approval.

I discussed any necessity for further precautions with my French and Spanish colleagues, who tell me that they have warned the commanders of the two police "tabors" to do what they can to ensure order without arousing any unnecessary attention. They mentioned the advisability of enrolling volunteers from the foreign colonies and choosing some central point of concentration in case of a native outbreak. I expressed the opinion that the time had not yet arrived for the adoption of extreme measures of this kind, as we should have information of any anti-European movement in time to take these precautions later, though, of course, the matter might receive private consideration.

There are persistent rumours that British troops are to be landed here within the next few days, and, while I have contradicted the report on all sides, it is still being circulated. As I have said to M. Couget, it appears to me that our great aim here should be to obviate the necessity or avoid giving the opportunity for Spanish military intervention. Should, as my Spanish colleague has suggested, Spanish troops be landed here to maintain order, Tangier would become identified with the Spanish zone, and certainly be attacked by the tribes near our frontier, though there seems no objection to the presence of a Spanish warship here in view of the absence of any French ship. Tangier's great guarantee for security is its neutrality, which should be preserved at all costs. M. Couget tells me that efforts are being made to fill all the posts here vacated by the Frenchmen who have been mobilised with Spaniards. This seems highly undesirable, and, as there is an opportunity to cut expenses in all departments, opposition to any such proposal can easily be given on that score.

Sid Menebhi, who should prove very useful in the event of emergencies, which would be very inadequately dealt with by the supine Makhzen authorities, expressed the fear that, if the French withdraw their post from Arbaoua near the Spanish frontier by Laraiche, the tribes in the hostile protectorate district will enter the Spanish zone and drive the Spanish forces into this zone, which would involve us in hostilities. M. Couget has no information as to the intentions of the French authorities in this respect.

In any case I consider there is no justification at present for the alarm that is being displayed, and I am endeavouring to reassure the British colony and to encourage them to make some effort to put a stop to the foolish rumours now current.

I have, &c.
H. W. KENNARD.

[39010] No. 54.

Mr. Kennard to Sir Edward Grey.—(*Received August* 14.)

(No. 219.)
Sir, *Tangier, August* 5, 1914.

WITH reference to my despatch No. 218 of the 3rd instant I have the honour to report that the situation has somewhat improved here. Steps have been taken to prevent the export of foodstuffs, to control their prices, and to give employment to those thrown out of work by the departure of their French employers and superintendents.

The French commanding officer of the extra-urban police has explained to me the measures he has taken to ensure the security of Tangier. He has divided the outlying districts within a radius of about 4 miles into four "secteurs," and has provided for special police posts to keep order, and report on any hostile movements from these "secteurs." The French and Spanish authorities have further chosen central points of concentration and defence for their "ressortissants" to take refuge at, and are establishing depôts of arms at these points. I told Commandant Toulat that these measures seemed rather premature, and that I hoped that care was being taken not to arouse native suspicions or uneasiness. He assured me that every precaution was being taken in this respect, and I have full confidence in his capacity to deal effectively with the situation.

I regret to say that an incident, in which a low-class Spaniard stabbed a Moorish woman, nearly caused a disturbance yesterday, and I fear that these are the incidents which might lead to a sudden outbreak here and the landing of Spanish troops, in which case, as I have already reported, Tangier would become identified with the Spanish zone, and possibly be attacked by the Anjera and other tribes, against whom it would be difficult to defend the zone.

The French agent tells me that he is informing his Government that he considers that the landing of one British battalion here would be preferable to any Spanish or Franco-Spanish intervention here. This seems to be further the general opinion here, not only in European but in native circles. It would, therefore, be interesting to learn whether, in the event of an anti-European outbreak here, it would be possible to spare a small force from Gibraltar to restore order, as such a step would undoubtedly prove more efficacious than the landing of several thousand Spanish troops, which would no doubt cause an immediate incursion of the hostile tribes, and prove the ruin of the international zone.

As I have already stated, I see no cause for alarm if the European population keep their heads and do not give the natives cause to think they fear them. I have not as yet taken any measures for the protection of the British colony beyond obtaining a list of men, women, and children, and those capable of rendering assistance in case of need. Unfortunataly the majority of our colony consists of Gibraltarians, who would, I fear, be of little use in the event of an outbreak. I am further quietly ascertaining the number of arms the colony could furnish, and the question of some rallying point which could be best defended. Commandant Toulat assures me that he could supply us with some twenty rifles, if needed. I have not thought it necessary at present to take any further steps, and hope that the present excitement will subside as the town adjusts itself to circumstances, and realises how necessary it is to maintain calm and avoid exciting the natives and low-class Spaniards and Jews, who are most impressionable and difficult to keep under control.

I have, &c.
H. W. KENNARD.

[60057] No. 55.

Sir A. Hardinge to Sir Edward Grey.—(*Received October* 16.)

(No. 176.)
Sir, *Madrid, October* 10, 1914.

I HAVE the honour to transmit herewith, in continuation of my telegram No. 90 of to-day's date, a copy of a despatch which the French Ambassador here has received from his Government on the subject of the Tangier Convention.

You may possibly by now have been made acquainted with the views expressed in it by the French Ambassador in London. M. Geoffray adds in a private note to me that M. Cambon is being instructed to lay stress in his conversations with you on an early settlement of this question.

I have, &c.
ARTHUR H. HARDINGE.

Enclosure in No. 55.

French Minister for Foreign Affairs to French Ambassador at Madrid.

STATUT de Tanger, articles 13 et 18 de la convention.

La rédaction de l'article 18 ne soulève pas d'objections de ma part.

Celle qui est proposée pour l'article 13 paraît, au contraire, comporter quelques observations.

Les modifications demandées portent sur quatre points :

1. *Alinéa* 3.—Addition : "Toutefois, si . . . . dans la zone internationale." Cette addition ne pourrait être admise qu'après négociation avec la compagnie du chemin de fer, car, d'après l'acte de concession, cette compagnie a seule l'initiative des abaissements de tarifs.

D'autre part, cette addition paraît inspirée par la crainte que la compagnie ne favorise d'autres ports aux dépens de Tanger. Or, l'article 3 de l'Acte de Concession stipule que la compagnie ne pourra recevoir la concession d'aucune autre ligne ; elle n'aura donc d'intérêt à développer que le trafic de Tanger et on peut compter sur son intérêt pour abaisser les tarifs dans la mesure nécessaire pour lutter contre la concurrence d'un autre port. La municipalité de Tanger aura, d'ailleurs, qualité pour homologuer seule les abaissements, visés par le paragraphe additionnel, qui ne concerne que la zone tangéroise.

Tout au plus peut-on prévoir le cas où l'Acte de Concession serait modifié pour autoriser la compagnie à desservir d'autres ports, ce qui pourrait justifier les craintes indiquées ci-dessus. Mais alors l'autorité tangéroise, dont l'adhésion serait nécessaire, pourrait stipuler les garanties jugées utiles.

Si on désirait prévoir ce cas dès à présent, on pourrait modifier ainsi l'addition proposée :

"Dans le cas où la compagnie concessionnaire du Chemin de Fer Tanger–Fez deviendrait concessionnaire de lignes desservant d'autres ports que Tanger, il serait stipulé dans l'Acte de Concession que, si un tarif inférieur était établi sur une des lignes de chemin de fer situées dans la zone espagnole ou dans la zone française, l'autorité tangéroise aurait la faculté de l'adopter sur la partie de la ligne Tanger–Fez située dans la zone internationale."

Ainsi rédigée, cette clause ne pourrait donner lieu à aucune objection de la compagnie du chemin de fer, puisqu'elle ne recevrait effet qu'en cas de concession nouvelle, impliquant l'acceptation par elle de ladite clause.

2. Au paragraphe 5 (modifié), en cas de majoration des taxes, on prévoit le versement annuel du produit à la Compagnie du Port. Or, ce qui serait surtout intéressant pour cette compagnie dans ce cas, ce serait d'obtenir un concours en capital de la compagnie du chemin de fer, qui empruntera à meilleur compte qu'elle, ses obligations étant garanties. Il ne faudrait pas la priver d'une faculté à laquelle elle tient beaucoup.

Dans ces conditions, il conviendrait tout au moins d'ajouter à la rédaction proposée : ". . . . si mieux n'aime cette dernière compagnie recevoir en capital une somme destinée à contribuer aux travaux du port, en échange de laquelle elle abandonnerait à celle du chemin de fer lesdites recettes additionnelles."

3. *Alinéa* 6.—On propose de faire désigner le tiers arbitre par l'administrateur en chef de la municipalité au lieu du président du Tribunal international.

S'agissant d'une décision à rendre sur litige pécuniaire entre compagnies, il semble que cette désignation soit plutôt le fait d'un magistrat de l'ordre judiciaire.

4. La fin du dernier alinéa serait modifiée. La rédaction proposée paraît subordonner la déchéance à l'acceptation de la mise en demeure par la compagnie. Mais il ne suffit pas que celle-ci accepte la mise en demeure ; il faut encore qu'elle s'y conforme. La rédaction ci-après paraît donc préférable :

"Au cas où l'autorité tangéroise estimerait que la compagnie ne satisfait pas à l'une des obligations essentielles de son contrat, elle signalerait la chose aux autorités compétentes de la zone espagnole et de la zone française, pour que celles-ci provoquent les mises en demeure qui seraient reconnues justifiées et pour que les Gouvernements espagnol et français prononcent cette déchéance si la compagnie ne s'était pas

conformée à ces mises en demeure de manière à assurer l'accomplissement de ses obligations.

"Il est, d'ailleurs, entendu que la municipalité de Tanger sera consultée et qu'elle pourra faire valoir ses vues dans toutes les circonstances où ses intérêts seront engagés."

Communication a été faite à M. Paul Cambon pour qu'il s'en ouvre à Sir Edward Grey de ses observations, sous le bénéfice desquelles le Gouvernement français accepterait pour l'article 13 les modifications proposées.

Bordeaux, le 25 septembre, 1914.

[66112] No. 56.

Mr. White to Sir Edward Grey.—(Received November 2.)

(No. 263.)

Sir, *Tangier, October 24*, 1914.

I HAVE carefully studied M. Porché's memorandum regarding the finances of Tangier, copies of which were enclosed in your despatch No. 151 of the 23rd ultimo, and I consider that his estimates on the whole are as approximately accurate as it is possible to make them with existing data. As he points out, the results he arrives at are very similar to those obtained, by the Madrid Commission calculated on a different system, if one leaves out of account the sum of 1,410,000 fr. now entered as the guarantee required for the port and railway.

Examining the details of M. Porché's statement of receipts and expenses, the only items appearing to me to call for any remark are the following :—

Douanes.—I am informed by M. Luret, the acting head of the Contrôle de la Dette, that the figures quoted by M. Porché at the foot of p. 7 include the duties on imported goods destined for transmission to the Spanish or French zones by land, but not on those merely transhipped at Tangier to be forwarded by sea. Therefore, if, after the railway is in operation, the French and Spanish Governments insist on the amount of the duties levied on goods passing by land into their zones being paid over, a very serious reduction would have to be made in this amount.

The amount of 2,800,000 fr. adopted by M. Porché is the estimated receipts for the present year. As a matter of fact, owing to the war, the receipts will fall far short of that sum.

Mostafadat, Domaine, Divers.—In this case I think the amount given by M. Porché is a minimum. M. Luret is confident that, especially if existing abuses are rectified, the domaine should give a considerably larger return, and that the mostafadat is also capable of a better yield.

The habous, moreover, should become a source of revenue. It is true that the receipts from habous properties can only be applied for specific purposes, but they will free money received from other sources, which may, consequently, be expended elsewhere. It will, however, take some time to organise the management of the habous and put a stop to existing abuses, so that no revenue from this source can be reckoned on for the opening year.

Taxe urbaine.—Here again it appears to me that M. Porché has somewhat under-estimated the yield. It is undeniable that at the present time the Administration are unable to obtain payment of the sums due from many of the proprietors owing to the reluctance of some of the Consular Courts to enforce payment. This evil, however, should come to an end with the establishment of the International Tribunal, which may may be expected to enforce payment of all taxes due. I am of opinion, therefore, that, if not the full amount, at least 300,000 fr., should be entered under this head.

Tabacs.—As the Makhzen's percentage of the net profits increases largely as the profits themselves become greater, it may be hoped that Tangier's share of those profits may also increase, though, as M. Porché points out, Tangier's proportion is not likely to become more than at present, viz., 6 per cent.

Taxe spéciale.—As in the case of the customs receipts, M. Porché has here adopted the estimated receipts for 1914. Owing to the war these will far short of anticipation.

Passing to the heading of expenses:—

Frais de Gestion et de Surveillance des Douanes.—The Contrôle de la Dette calculates the share of Tangier in these expenses as follows:—

	Fr.
Proportion of cost of Central Administration	50,714
Working expense of Tangier custom-house	201,625
Tangier coastguard and customs police (exclusive of service afloat) ..	174,814
Domaine and Mostafadat Department	32,266
Total	459,419

The total under this head may therefore be put at 460,000 fr. M. Porché himself thought his figure of 220,000 fr. must be mistaken.

Police.—It would be more prudent to adopt at least 1,000,000 fr. as estimated cost of the military police. It will doubtless be possible later on to reduce this force considerably, and thus to lessen the expenses, but recent events have shown that this cannot be done until the adjoining portion of the Spanish zone has been pacified and effectively occupied.

Administration indigène.—Here, I think, considerable reduction could be made when municipal organisation is introduced. Moreover, I gather that M. Porché's figures include Moorish officials employed in the custom-house, who are comprised in the expenses of that department, as estimated by the Contrôle de la Dette. If therefore we group together the "frais de gestion, 220,000 fr.," and "administration indigène," 300,000 fr. of M. Porché's estimate, the total would, I think, work out approximately correct.

With regard to the estimated cost of the new administration, it must be borne in mind that in the scheme drawn up at Madrid it was desired to make the machinery as complete as possible, and, as it was necessary to model it on French rather than on English lines, the advice of M. Dupeyrat, himself brought up in the administrative department, was followed. There is, however no necessity to start with a full staff; on the contrary, I am of opinion that we should start on a very modest scale with the smallest number of officials possible. The estimate made by M. Porché, which is calculated on a complete establishment, may therefore be considerably reduced.

The most expensive item in the new organisation is the International Tribunal. Mr. Brunnyate and I during the discussion at Madrid strongly urged a smaller number of judges, but, in view of the insistence of the other members of the commission, we accepted their proposal of six judges, including the president. I trust, however, it may be possible to induce the French and Spanish Governments to start with a president and three judges, and the "avocat du Gouvernement," postponing the appointment of the other two judges and the assistant "avocat" until the necessity for their appointment is shown by experience, and the financial position of the municipality enables it to undertake their payment. The subordinate staff need at first be a comparatively small one. In this way an economy of at least 100,000 fr. on M. Porché's estimate might be effected.

The only other alternatives would be—

1. For each Government to pay the judges and advocate of its nationality, which system has the disadvantage of making the judges regard themselves as the employés of their respective Governments rather than of the municipality. This would effect a saving of 190,000 fr., and, by reducing the subordinate staff at the same time, the cost of the tribunal could be brought down to about 75,000 fr., a total saving of 225,000 fr. on M. Porché's estimate.

2. To postpone the appointment of the judges, and adopt, as a temporary measure, a Mixed Court composed of the present consular judges, for which a scheme would have to be worked out. Personally I regard the payment of the judges by their own Governments as preferable.

M. Porché affords no explanation as to how he arrives at the sum of 100,000 fr. as the minimum cost of the "Municipalité et Administration générale," and as he is unfortunately absent I am unable to discuss the point with him. The amount appears to me to be unnecessarily large, unless he proposes that a salary be attached to the appointment of president, which I think is undesirable.

In the same manner, I am of opinion that the sum of 655,000 fr. for the three Departments, Intérieur, Finances, Enseignement, &c., is too much, if, as I propose, a start is made on a very modest scale. It is difficult, of course, to make an accurate

estimate, but I should be inclined to deduct about 145,000 fr. from this amount for the original establishment.

Even accepting these considerable reductions, however, we arrive at a sum of 675,000 fr. as the cost of the new administration, if the judges are paid by their own country, or 800,000 fr. if they are paid by the municipality and their numbers reduced. Adding to this the total of "(*a.*) Charges actuelles," modified as above, we arrive at a sum of 4,735,000 fr., or 4,860,000 fr., as the total expenses exclusive of the 1,410,000 fr. for port and railway, or if this latter sum is included, and an allowance made for unforeseen expenses, we may calculate the probable amount to be met at from 6,200,000 fr. to 6,300,000 fr.

To face this, the estimated receipts, deducting voluntary subscriptions and subventions, amount to only about 4,100,000 fr., which leaves a deficit of over 2,000,000 fr. to be met.

I may here observe that the great rise in the cost of living during the last year or two has brought about a general rise of wages and salaries, as it was found that people could not live on their former pay. Prices continue to rise, and consequently the salaries of the persons employed in the administration will have to be higher than was anticipated.

It is difficult to see how this additional revenue is to be obtained at the outset. Later on, when the port has been built and shipping has been attracted to it, when the railway to Fez is completed and the Tangier district is developed, roads built, good hotels established, and attractions provided for visitors, it should be easy enough for the municipality to obtain abundant funds to meet all requirements, but unfortunately those conditions do not yet exist, and money is required not only for the working expenses of the administrative machinery but also for carrying out the very works upon which the municipality must depend for its future prosperity. As pointed out by M. Porché, the municipality will come into existence encumbered with the dead weight of a heavy debt for loans from which it has derived little or no benefit, and thus deprived of the means of itself raising any large loan to meet its initial expenses.

I have always felt very strongly on this point, and have constantly urged it when pressing for financial concessions from the French and Spanish Governments, both at Madrid and subsequently when discussing the "Statut" itself and when commenting on the railway and port schemes.

M. Porché divides his remarks on this subject under two heads:—

(1.) Reduction of existing expenses; and
(2.) Creation of new sources of revenue.

(A.) His first suggestion is that Tangier should be relieved of some portion of its obligations on the 1904 and 1910 loans. I endeavoured to obtain some concession on this point at Madrid, but was met with an uncompromising refusal. It seems to me unfair that Tangier should be saddled with its full share of responsibility for these loans, but there is, I fear, little hope of the French Government consenting to yield on this point further than they have done in temporarily waiving their claim to repayment of customs dues on goods in transit for their zone.

(B.) As pointed out above, I do not consider that any reduction can yet be made in the military police force. The building of a number of guard-rooms encircling the residential quarters will facilitate the eventual reduction in number of the police, but this cannot be done until the adjoining districts of the Spanish zone are permanently pacified. When this is done and the civil police force is established a very considerable reduction in the military police may with advantage be effected. In the meantime the tendency is rather for the cost to increase, the general rise in wages owing to the greatly increased cost of living at Tangier making the rate of pay of the police, formerly comparatively high, less than what the men can now earn otherwise; this makes it difficult to obtain suitable men for the force.

(C.) I have already above expressed the opinion that the new régime should be introduced on as modest a scale as possible. The constitution of many of the "services rattachés" provided for in the "Statut" may well be adjourned, but I fear it would not be an altogether satisfactory solution to allow things to continue as they are, for the internationalisation would probably be only in name.

I should be in favour of the heads of the three Departments, Finances, Interior, and Education, &c., being appointed as soon as the convention is signed, but to postpone the appointment of their staffs until they have had an opportunity of studying the problem on the spot and forming an opinion as to the most economical manner in

which they could organise their departments, and how far they could make use of existing institutions.

(D.) The Railway Convention (article 28) provides for the French and Spanish Governments paying sums overdueby the Tangier Administration, but this would be in the nature of a loan bearing interest, and a heavy debt might thus be accumulated.

2. New sources of Revenue.

(A.) *Customs Dues.*—The customs tariff cannot, of course, be modified except by convention between the Sultan and the Powers. The French Protectorate authorities are, I understand, desirous of imposing additional taxation on certain special articles of import either by raising the customs duties or by an octroi. The articles I have heard mentioned are alcohol, at present taxed at 5 per cent. instead of 10 per cent. like other imports (exclusive of *taxe spéciale*), and sugar.

Both would produce a considerable extra return, and need not, I think, meet with any objections on our part. Sugar is imported into this country in very large quantities, and is only second to cotton goods in importance; the quantity of imported spirits is also very large, and it is calculated that the proposed additional taxation on these two articles alone would bring in at Tangier an additional revenue of at least 300,000 fr.

Another proposal that has been made is to double the special tax: this would bring in an additional revenue of about 650,000 fr. The advantage in this, so far as Tangier is concerned, is that there would be no question of paying over to the other zones any portion of the amount levied. M. Luret tells me, however, that he doubts whether the protectorate authorities would regard this proposal with favour, as he considers that some articles already are too heavily taxed; to burden them with higher duties would practically amount to stopping their importation. The question would require very careful examination before any decision is come to.

I agree with M. Porché that the passing of goods customs-free should be carefully looked into and abuses checked, though it is a delicate subject to deal with. The privilege granted by treaties has been largely extended, and at present persons only remotely connected with the various legations obtain their goods free of customs duties, in some cases, if reports are true, even passing goods of their friends as their own.

Taxe urbaine.—This tax is intended to be paid by the proprietors, but in practice it is paid, in part at least, by the tenants, and as rents are already very high at Tangier, it would be a pity to do anything to raise them still further. Revenues, however, must be found, and this tax might be raised, as suggested by M. Porché, to 10 per cent., or a new tax might be imposed on tenants as apart from the tax on the landlord.

A small increase of revenue might be obtained by extending the district in which the tax is leviable. In this case it would be fair to reduce the rate of the tax on buildings in the outer zone, which do not get the same advantages in regard to lighting, scavenging, &c., as those nearer the town.

(B.) It appears to me impossible to estimate the amount of revenues that could be derived from such of the various taxes here enumerated as have not yet been imposed. Some of them would, however, I think, yield a larger return than is anticipated by M. Porché. The "droit de mutation," for instance, if it includes, as I presume it does, sales of real property, should yield a considerable sum, if the tariff of the French zone is adopted.

Tertib.—This tax will not bring any considerable sum in this district, but I regard 25,000 fr. as a very cautious estimate of the yield.

Recettes judiciaires, postales, &c.—It is not possible to estimate the amount of the revenues to be derived from the International Tribunal until the table of fees has been drawn up, but from what was decided at Madrid I gather that the tariff will be on the same lines as that of the new tribunals in the French zone. In that case the fees should considerably exceed the amount stated by M. Porché.

I agree that post-office receipts may for the present be left out of account. Later on, if the various officers now existing are abolished and replaced by a municipal office, it should bring in some revenue.

Droits de Consommation.—It is difficult to differentiate between these and customs dues. I have dealt with the subject above. M. Porché has included petroleum, and has been more generous in his estimate of the yield. I considered it prudent to adopt a lower estimate, as I understand that there has already been a falling off in the quantity of pure alcohol imported here for the manufacture of spirituous liquors, as this

business is now done at other ports as well, and the falling off is likely to be more marked on the imposition of the tax.

Impôt sur les Plus-Values.—The authorities of the French zone have already imposed this tax and have adopted as the date at which the original value is to be calculated, not the day of the promulgation of the law, but the year 1908, shortly after the bombardment of Casablanca and the French occupation, when the value of land was exceptionally low. This has naturally given rise to discontent on the part of the proprietors. Whether such a tax here would yield a good return or not would depend on the date fixed for estimating the original value.

I entirely agree with M. Porché in his remarks as to a tax on land not built upon. At our discussions at Madrid we anticipated a tax on land as apart from the tax on the produce and that on buildings. There is a considerable amount of very valuable undeveloped land in this district, much of which is in the hands of speculators, and I see no reason why it should altogether escape taxation whilst the land is acquiring additional value from the roads and other public works towards the payment of which the land would not otherwise contribute. The manner of assessment would require careful study, as there are various systems on which the assessment could be calculated. A distinction would have to be made between land in regard to which tertib is paid, so as not to press too heavily on agricultural land.

A number of other taxes could, and probably will, be imposed, which will not, however, make any very considerable increase to the revenues.

The municipality will be entitled to its share of the profits on the money coined, but I am unable to estimate what that share would amount to.

Even if the budget of Tangier were made to balance, it must be borne in mind that, as the last two months have shown, the municipality will be exposed to a very serious danger. More than three-quarters of its revenues are derived from the custom-house import and export duties, *taxe spéciale*, and transit dues. Should the trade of the port be brought nearly to a standstill, as has lately been the case here on account of the war, or even be seriously reduced by war, labour troubles, quarantines, or other causes, the municipality would suddenly find itself deprived of most of its revenue and faced with bankruptcy unless it could raise a loan, which it could then only do upon very onerous terms.

In order, therefore, to ensure its existence, Tangier should have a budget showing a substantial balance on the right side. Far from this being the case, it is much to be feared that, even under the most favourable circumstances, the budget is more likely to show a considerable deficit.

It has been suggested that, in order to meet the requirements of its opening years, the municipality might raise a small loan on a long term, the capital being expended on meeting the liabilities. For instance, it might obtain a loan of 10,000,000 fr. repayable by a sinking fund spread over a term of fifty years. The 10,000,000 fr. would be paid in instalments, allowing the municipality to expend 1,000,000 fr. per annum. If 3,000,000 fr. were received the first year, another 3,000,000 fr. the fourth year, and the remaining 4,000,000 fr. the seventh year, the interest and sinking fund payments would together amount to 164,330 fr. during the first period, 167,612 fr. during the second period, and 226,465 fr. during the last period. Thus future generations, during the years of Tangier's prosperity, would bear some of the charge of the difficult opening period of its existence.

One is unwilling to burden the municipality with a further loan, and I am making the suggestion merely as a possible solution of the difficulty, should no other means be found of saving the municipality from starting its existence in a state of bankruptcy.

I have, &c.

HERBERT WHITE.

[76337] No. 57.

Sir A. Hardinge to Sir Edward Grey.—(*Received November* 28.)

(No. 203.)

Sir, *Madrid, November* 18, 1914.

I HAVE the honour to inform you that the following is a translation of a declaration signed yesterday by the Minister of State and the French Ambassador at Madrid, which appears in the "Official Gazette" of to-day's date:—

"The undersigned, duly authorised by their respective Governments, make, by common agreement, the following declaration:—

"Taking into consideration the guarantees of juridical equality offered to foreigners by the Spanish Tribunals of the protectorate, the Government of the French Republic renounces claiming for its consuls, subjects and establishments in the Spanish zone of the Shereefian Empire, all rights and privileges arising out of the régime of the Capitulations. The treaties and conventions in force of all classes between Spain and France are applicable, without the passing of further measures, and save for any contrary clause, to the Spanish zone of the Shereefian Empire.

"The present declaration will take effect ten days after the date thereof.

"Done in duplicate at Madrid on the 17th November, 1914.

"The Marquis of Lema:

"GEOFFRAY."

I have, &c.
ARTHUR H. HARDINGE.

[87459] No. 58.

Sir A. Hardinge to Sir Edward Grey.—(Received December 28.)

(No. 233.)

Sir, *Madrid, December* 19, 1914.

I HAVE the honour to transmit herewith a copy of a note which I addressed to the Marquis of Lema, on receipt of your telegrams Nos. 192 and 194 of the 17th and 18th instant respectively, informing him of the establishment of a British protectorate over Egypt. When I saw his Excellency yesterday evening on other business, he had not received this note. I gave him, however, a general outline of its contents, to which he replied that, in view of its importance, he would, as soon as the note reached him from the department of his office, in which it had doubtless only just been opened, lay it before the Cabinet. In the course of subsequent conversation, he observed to me that the formal recognition by us of Spain's protectorate in Morocco, to which the note adverted, would have a good effect upon opinion here as an indication of England's friendly disposition towards Spanish interests in North Africa.

I have, &c.
ARTHUR H. HARDINGE.

Enclosure in No. 58.

Sir A. Hardinge to the Marquis of Lema.

(No. 150.)

Your Excellency, *Madrid, December* 18, 1914.

I HAVE the honour to inform you, under instructions from His Majesty's Principal Secretary of State for Foreign Affairs, that His Majesty's Government, in view of the state of war initiated by Turkey against Egypt, consider that the suzerainty of Turkey over Egypt is terminated, and have advised His Majesty to place Egypt under his protection, and to order the adoption of all measures necessary for the safety of the inhabitants, the defence of the country, and the protection of the many and various important interests existing there. Official notifications to this effect have been issued in London and Cairo.

The unprovoked nature of the Turkish aggression has prevented any discussion of this matter with the Powers beforehand, but His Majesty's Government have no intention of impairing foreign interests, and wish to act in harmony with the Powers in making those changes affecting their interests which are rendered unavoidable by the aggression of Turkey. The Egyptian Government will, meanwhile, arrange for the issue of a Khedivial decree providing that the consular and other foreign Courts shall continue to exercise in Egypt their accustomed jurisdiction to the extent to which the arrangements, which will have to be made by the military authorities for the maintenance of public order, are not inconsistent therewith.

His Majesty's Government have appointed a High Commissioner for Egypt, who will also be the Minister for Foreign Affairs in the Egyptian Government, and His Majesty's Government would therefore ask that that of His Catholic Majesty will be so good as to instruct their representative in Cairo to address all his official communications in future to the High Commissioner for Foreign Affairs.

I am instructed to add that, on the signature of the Tangier Convention, the finally revised draft of which it is hoped to submit to the Spanish Government very shortly, His Majesty's Government will be ready to recognise the Spanish protectorate over the Spanish zone in Morocco in return for the recognition by the Spanish Government of the British protectorate over Egypt.

I avail, &c.
ARTHUR H. HARDINGE.

[87258] No. 59.

Earl Granville to Sir Edward Grey.—(Received December 28.)

(No. 526.)

Sir, *Paris, December* 23, 1914.

I HAVE the honour to transmit to you herewith copy of a memorandum from the French Minister for Foreign Affairs replying to the two communications which I addressed to his Excellency in accordance with the instructions contained in your telegrams Nos. 1240 and 1247 of the 17th and 18th instant respectively on the subject of the British and French protectorates over Egypt and Morocco.

I had the honour to transmit to you the substance of the last paragraph of M. Delcassé's note by my telegram No. 586 of to-day's date.

I have, &c.
GRANVILLE.

Enclosure in No. 59.

M. Delcassé to Earl Granville.

LE Ministre des Affaires Etrangères a l'honneur d'accuser réception des deux notes du Chargé d'Affaires de Sa Majesté britannique, en date du 17 et du 18 de ce mois, relatives à l'adhésion de l'Angleterre au Traité franco-marocain du 30 mars, 1912, qui a établi le protectorat de la France sur le Maroc.

Cette adhésion est la contre-partie de la reconnaissance par la France du protectorat que la Grande-Bretagne vient de proclamer sur l'Égypte.

M. Delcassé est heureux de faire savoir à Lord Granville, en réponse au dernier paragraphe de la première des notes précitées, que le Gouvernement de la république, animé du désir d'assurer à la ville de Tanger un statut qui donne également satisfaction à tous les intérêts en cause, a accepté les dernières modifications proposées par Sir Edward Grey au projet de convention préparé pour établir ce statut. Il compte que des instructions seront adressées à l'Ambassadeur de Sa Majesté à Madrid pour qu'il appuie auprès du Gouvernement espagnol, de concert avec son collègue français, le projet de texte sur lequel le Gouvernement britannique et le Gouvernement français sont tombés d'accord.

Paris, le 21 *décembre,* 1914.

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[46088] No. 60.

Rapport de la Commission internationale du Port de Tanger.—(*Communicated by Captain G. C. Frederick, R.N., April* 12, 1915.)

Historique des Travaux de la Commission.

Société demandant la Concession du Port.

PARMI les groupements financiers qui ont fait des tentatives en vue d'obtenir la concession d'un port à Tanger, celui dont les démarches ont rencontré jusqu'ici le meilleur accueil auprès des principales Puissances intéressées est la Société internationale pour le Développement de Tanger, qui a pour objet principal "la recherche, l'obtention, l'exploitation de tous services publics, concessions ou entreprises d'intérêt général à Tanger et dans la zone avoisinante."

Cette société est constituée au capital de 2,000,000 de francs, et ce capital peut être porté à 5,000,000 par une simple délibération du conseil d'administration. Il est réparti entre les diverses nationalités de la manière suivante :

30 pour cent à la France, représentée dans le conseil d'administration par MM. André Lebon (président), de Caqueray et Boucard ;
20 pour cent à l'Allemagne, représentée par MM. Renschhausen et le Dr. Lauter ;
20 pour cent à l'Espagne, représentée par MM. Eusebio Bertrand, Portela et le Marquis de Villameyor ;
20 pour cent à la Grande-Bretagne, représentée par Messrs. R. Norton et W. Harris ;
10 pour cent à divers (Maroc et notamment Tanger, Autriche, Belgique, Pays-Bas, &c.), représentés par MM. Abdesselam-ben-Abdessadok et par un douzième administrateur à désigner, qui sera probablement de nationalité néerlandaise.

Formation de la Commission.

A la suite d'un échange de correspondance, les Gouvernements de l'Allemagne, de l'Espagne, de la France et de la Grande-Bretagne ont décidé de constituer une Commission technique internationale chargée "d'examiner le projet de concession du port de Tanger qui doit être présenté par la Société internationale pour le Développement de Tanger." Il était entendu que, si le projet en question était jugé acceptable, il serait soumis à l'approbation du Corps diplomatique accrédité au Maroc par les soins des représentants des quatre Puissances, et que la concession serait demandée à Sa Hautesse chérifienne en faveur de la Société internationale.

La Commission s'est réunie à Paris le 29 mai, 1914 ; elle était composée :

Pour l'Allemagne, de M. de Thierry, Conseiller intime, Professeur à l'École technique supérieure de Charlottenburg ;
Pour l'Espagne, de M. Renduelés, Inspecteur général des Chemins, Canaux et Ports, Sous-Directeur des Travaux publics ;
Pour la France, de E. Colson, Inspecteur général des Ponts et Chaussées, Conseiller d'État ;
Pour la Grande-Bretagne, de M. le Capitaine Frederick, de la Marine Royale, ancien Conseiller technique du Board of Trade.

La Commission a désigné pour son président M. Colson, et s'est attaché comme secrétaire M. Hecker, ingénieur des Ponts et Chaussées. Elle a été assistée, dans tous ses travaux par M. Porché, ingénieur en chef de la Caisse spéciale des Travaux publics du Maroc, en résidence à Tangier.

Première Session de la Commission.

La Commission n'a pas trouvé, au début de ses réunions, les projets de la société demanderesse aussi avancés qu'elle devait s'y attendre. La société avait sans doute acquis ou fait exécuter d'assez nombreuses études relatives au port, et pris contact à diverses reprises avec le service des Travaux publics du Maroc. Mais, estimant que le coût des divers projets étudiés excédait le montant des capitaux qu'il lui serait possible de réunir et de rémunérer, elle avait cherché les moyens de réduire les dépenses, en attendant les premiers échanges de vues qu'elle aurait avec la Commission internationale pour arrêter ses propositions définitives, tant techniques que financières.

M. Porché, de son côté, n'étant saisi d'aucun projet, en avait étudié un qui devait comporter une dépense totale de 28,000,000 de francs, y compris 2,000,000 de francs comme somme à valoir, et 2,800,000 fr. pour imprévus, mais non compris les frais généraux et intérêts pendant la construction.

La Commission a examiné le projet de M. Porché, qui lui a paru répondre aux besoins du port de Tanger, dans ses traits généraux et sauf quelques modifications de détail spécifiées dans les procès-verbaux des délibérations auxquelles il a donné lieu. Elle a mis ce projet à la disposition de la Société internationale, pour être joint aux éléments d'information déjà réunis par cette société. Elle a échangé des vues avec ses représentants au sujet d'un avant-projet sommaire, qu'il avait fait établir par M. Quellenec, ingénieur, conseil de la Compagnie universelle du Canal de Suez. M. Quellenec ayant demandé un certain délai pour faire opérer sur place diverses vérifications, relatives notamment aux conditions des dragages et aux carrières qui lui étaient indispensables pour arrêter ses évaluations définitives, la Commission, après avoir tenu cinq séances, a dû s'ajourner le 8 juin, en fixant sa prochaine réunion au 21 juillet.

Observations sur les premiers Projets.

Elle avait, avant de se séparer, invité la société à rechercher s'il ne serait pas possible d'échelonner l'exécution des travaux, de manière à en reporter une partie à une époque où les résultats acquis, au point de vue du trafic et des recettes, permettraient de réunir facilement des capitaux plus importants. En ce qui concerne spécialement la constitution des terre-pleins, elle avait appelé l'attention sur la possibilité de réaliser une économie en en réduisant l'étendue, au moins provisoirement ; il ne lui semblait pas devoir en résulter une diminution des ressources prochaines de la société, puisque la mise en vente d'une surface considérable de terrains à brève échéance, ne pourrait qu'entraîner une crise immobilière à Tanger.

Au point de vue de la constitution financière de la société, la Commission avait signalé l'insuffisance, comme capital-actions, non seulement du chiffre de 5,000,000 prévu par les statuts de la société, mais même de la proportion de un cinquième des dépenses totales, admise par M. Porché pour tenir compte des difficultés que rencontrerait une augmentation notable de ce capital. En tout état de cause, une proportion aussi faible d'actions expose une société à se trouver dans l'impossibilité de faire face à ses échéances, si un accident imprévu ou simplement un retard sur les prévisions dans le développement du trafic la prive, fût-ce pour un temps relativement court, des produits nécessaires pour rémunérer un capital composé presque entièrement d'obligations, puisque les coupons de ces obligations ont le caractère de dettes exigibles. Pour un port concédé par une ville comme Tanger, qui ne peut compter sur l'appui financier d'aucun État et qui est étroitement limitée au point de vue de l'étendue de la population et des ressources, il est indispensable que les actionnaires de la société, appelés à bénéficier de l'essor futur de l'entreprise, puissent en supporter les aléas ; il faut, en effet, absolument que les difficultés de nature à retarder le succès, dans une mesure n'ayant rien d'anormal, se traduisent seulement par une réduction temporaire des dividendes et non pas une faillite.

Deuxième Session de la Commission.

Le délai convenu avec la société, du 8 juin au 21 juillet, 1914, était trop court pour qu'elle pût arrêter dans leurs détails ses projets techniques et ses combinaisons financières, qui, nous l'avons dit, n'étaient nullement déterminés au moment de la constitution de la Commission technique internationale. Elle a cependant pu soumettre à celle-ci des projets assez étudiés pour lui permettre de formuler, dans le présent rapport, ses conclusions sur tous les points essentiels. Mais après l'adoption de ce rapport la Commission a dû, une fois encore, s'ajourner pour laisser le temps nécessaire à

la rédaction d'un projet complet de travaux, d'un cahier des charges définissant les conditions des services et les perceptions autorisés, enfin d'une convention financière.

Nous allons exposer successivement les traits essentiels des projets présentés par la société, au point de vue des travaux de l'exploitation et du régime financier du port, avec les observations formulées par la Commission internationale.

Nous n'entrerons d'ailleurs pas dans les questions de détail, pour lesquelles on pourra se reporter aux documents présentés par la société et aux procès-verbaux des séances de la Commission.

Projet de Travaux.

Nature du Trafic du Port de Tanger.

Au point de vue des travaux, le port de Tanger se présente dans des conditions assez favorables. La rade bénéficie à l'ouest d'un certain abri, dû à la ville, et au nord de celui de la péninsule hispanique, en sorte que la mer y est beaucoup moins dure que sur la côte Atlantique du Maroc. Les marées ont très peu d'amplitude (2·50 metrès seulement). Les fonds à draguer, pour obtenir la profondeur nécessaire dans le port, sont argileux et présentent seulement quelques hauts fonds rocheux. Des carrières, sinon excellentes, du moins de qualité suffisante, existent à une distance ne dépassant pas 6 kilom.

Les ouvrages à exécuter doivent répondre à un triple objet :

1. Desservir un trafic qui se composera surtout de voyageurs et de marchandises d'une assez grande valeur. Le trafic purement local ne saurait être considérable, puisque la zone internationale ne comprend qu'une superficie de 300 kilom. carrés et une population d'environ 60·000 âmes, dont 15,000 Européens seulement. Les marchandises pondéreuses à destination ou en provenance des zones espagnole et française se dirigeront probablement vers les ports situés dans ces zones et plus proches des points intérieurs à desservir. Mais Tanger présentera toujours le port le plus facile comme accès, et surtout la voie de beaucoup la plus rapide entre les chemins de fer européens et ceux du Maroc, puisque la ville sera reliée à ces derniers par la ligne, aujourd'hui concédée, de Tanger à Fez, et n'est séparée d'Algésiras que par deux ou trois heures de mer seulement. Ainsi, les voyageurs pressés ou désireux d'éviter une longue traversée, les expéditions de détail, les marchandises pour lesquelles la durée du trajet a quelque importance, à raison de leur valeur ou de leur caractère périssable, passeront par le port projeté ; il faut donc pouvoir y organiser un service d'embarquement et de débarquement, non pas très puissant, mais rapide et commode ;

2. Faciliter les escales, déjà très nombreuses actuellement et destinées à se multiplier encore, dans un port d'un accès très facile, situé sur le passage de tout le trafic entre la Méditerranée ou les au-delà de Suez, d'une part, l'Europe occidentale ou septentrionale, l'Afrique occidentale et l'Amérique, d'autre part ;

3. Permettre le renouvellement des approvisionnements de charbon des navires à vapeur. Les autorités anglaises tendent de plus en plus à restreindre et même à supprimer à Gibraltar ce service, jadis très important. Si Tanger ne peut guère faire, comme port charbonnier, concurrence à Malte, à Alger ou à Oran, qui divisent mieux le trajet entre l'Europe occidentale et la partie orientale de la Méditerranée, son port sera au contraire le seul point favorable pour remplacer les combustibles déjà consommés par les navires allant de l'Adriatique ou de Constantinople sur l'Amérique ou inversement ; il doit donc avoir de ce chef une clientèle importante.

Dispositions générales de l'Avant-Projet.

Pour répondre à ces divers besoins, le projet de la compagnie comporte les ouvrages suivants :

Un brise-lames de 1,475 mètres, y compris un éperon de 125 mètres à l'est de la traverse nord, protégeant le port au nord ;

Deux traverses, l'une au nord de 325 mètres, l'autre au sud de 600 mètres, abritant le port à l'est et laissant entre elles une passe de 200 mètres d'ouverture ;

Des murs de quai, limitant le port au sud et en arrière desquels seraient constitués, au moyen de remblais, des terre-pleins ayant une surface d'environ 65 hectares, séparés à l'est de la mer par une digue de 700 mètres de longueur. Le long des quais, est réservée aux services du port une zone de 60 à 90 mètres de largeur, complétée par une

rue de 30 mètres de largeur ; à l'abri de ces ouvrages le port présentera une surface d'eau d'environ 90 hectares, dans laquelle se trouveraient :

Au centre, près de l'entrée du bassin d'évolution pour les navires d'escale, de 600 mètres de diamètre dragué à la profondeur de 10 mètres ;

Au nord, un bassin pour les navires charbonniers, dragué à la profondeur de 8 mètres ;

Au sud, un bassin pour le commerce, divisé en deux darses : l'une à l'est, draguée à la profondeur de 9 mètres, avec un quai descendant à 10 mètres de profondeur sur 300 mètres de longueur ; l'autre, à l'ouest, draguée à 5 mètres de profondeur, avec un quai à 5 mètres de profondeur également, sur 300 mètres de largeur ;

Au fond du port, il y aurait un bassin pour la batellerie, dragué à 3 mètres, avec 450 mètres de quais, offrant 3 mètres de profondeur et une autre pour les chalands charbonniers, les pétroles, &c., également dragué à 3 mètres, avec 470 mètres de quais à 2 mètres de profondeur. Entre ces deux bassins et le brise-lames, à l'extrémité nord-ouest du port, se trouvera un terre-plein de 10 hectares, destiné aux charbons, aux pétroles et en général aux matières dangereuses et incommodes.

Évaluation des Travaux.

La compagnie évalue l'ensemble de ces travaux à 26,500,000, en majorant l'estimation détaillée des divers ouvrages, qui s'élève à 23,337,840 fr., de 13·5 pour cent environ des travaux imprévus.

Elle n'a pas cru pouvoir donner suite à l'idée d'ajourner une partie des travaux. Les installations que comporte le port proprement dit sont des plus simples et le projet ne prévoit l'exécution immédiate que des quais nécessaires au trafic envisagé pour les premières années, des quais nouveaux pouvant d'ailleurs aisément être établis le long des traverses ou du brise-lames, lorsque le besoin s'en fera sentir. En restreignant l'abri offert aux navires, on réduirait notablement la rémunération qui pourrait être demandée à la clientèle, puisque le service serait beaucoup moins satisfaisant, de sorte que les résultats financiers ne seraient nullement améliorés. La seule économie possible consisterait à réduire les terre-pleins créés au sud. Mais la réduction des dépenses ainsi réalisée serait peut-être de 1,500,000 ou 2,000,000 de francs, ce qui ne représente pas une diminution suffisante pour faciliter la constitution du capital ; ainsi, à ce point de vue, l'avantage à en attendre ne compenserait pas les inconvénients de la renonciation aux perspectives de bénéfices qui permet d'entrevoir la libre disposition de terrains étendus sur le port, si celui-ci devient un jour très prospère. Tout en cherchant de ce côté quelques économies, on ne peut pas en trouver de vraiment notables.

Observations de la Commission.

La Commission internationale ne croit pas qu'il y ait lieu d'insister pour la modification du projet et ne voit pas de réduction sensible à y apporter. Tout au plus pourrait-on, peut-être, ajourner le prolongement du brise-lames sur 125 mètres environ au delà de la traverse nord, en inclinant celle-ci un peu plus à l'est, pour qu'elle abrite mieux l'entrée du port. Peut-être aussi pourrait-on réduire les remblais, qui atteignent 5,100,000 mètres cubes (évalués à 1 fr. 65 c.) en raison de l'étendue donnée aux terre-pleins. En tout cas, si on ne les réduit pas, l'importance du mouvement des terres permettra de faire usage d'un outillage perfectionné, avec lequel, sans doute, le prix unitaire descendrait au-dessous de 1 fr. 65 c.

Il peut y avoir là quelques éléments de réduction des dépenses. Comme il faut toujours prévoir certains dépassements dans les travaux de cette nature, on peut admettre qu'il y ait compensation. Les observations techniques de détail faites par la Commission, dont la société tiendra compte dans son projet définitif, ne sont pas de nature à modifier sensiblement les dépenses.

Dans l'ensemble, la commission estime que le projet qui lui est soumis est bien conçu, qu'il répond aux besoins du trafic, et que l'évaluation des dépenses à 26,500,000 paraît suffisamment prudente, sans être excessive. De nouveaux quais pourront être établis et les dragages à grande profondeur seront étendus, quand le besoin s'en fera sentir. La création de nouveaux bassins du côté de l'est sera d'ailleurs facile, si jamais le trafic l'exige.

Le projet répond donc aux besoins de l'avenir, comme à ceux du présent.

Montant total du Capital nécessaire.

Pour évaluer le capital dont elle aura besoin, la société ajoute aux 26,500,000 fr. de travaux, 300,000 fr. pour frais de constitution, études et missions préliminaires et 200,000 fr. pour la partie du cautionnement qui ne sera restituée qu'en fin de concession, ce qui fait 27,000,000 de francs.

Elle prévoit une durée des travaux de cinq années environ. Il faudra, pendant ce temps, couvrir les frais généraux, évalués à 500,000 fr. par an, ce qui fait 2,500,000 fr., frais de surveillance et de direction des travaux compris. Elle estime à 6,500,000 fr., soit en moyenne 1,300,000 fr. par an, les intérêts intercalaires, sur la détermination desquels nous reviendrons en parlant de la combinaison financière. Cela ferait donc 9,000,000 de francs à ajouter aux 27,000,000 de francs ci-dessus, portant le capital à rémunérer à 36,000,000 de francs.

La Commission inclinerait à croire que le montant annuel des frais généraux, et le chiffre moyen des intérêts intercalaires pourraient être réduits. Par contre, elle estime qu'un léger dépassement sur la durée de cinq années, prévue pour les travaux, rentre dans les éventualités à envisager. Il faut donc admettre que la réduction possible du montant des charges annuelles est compensée par l'éventualité d'une prolongation de leur durée, et qu'il n'y a pas lieu de modifier, dans l'ensemble, les prévisions de la compagnie pour ces deux articles.

Il faut remarquer que la société exploitera pendant la période de construction les services actuels du port, les magazins, l'acconage, &c. Ces services dont toutes les recettes ont été absorbées jusqu'ici par la nécessité de les outiller, commencent à donner des produits nets, qui progresseront avec le trafic. Ces produits seront portés au crédit du compte d'établissement pendant la période des travaux, comme il est d'usage pour toutes les concessions exploitées partiellement avant que le service soit complètement ouvert, et viendront en atténuation des sommes à emprunter pour couvrir les intérêts intercalaires. Il y a encore là une cause de diminution du capital nécessaire.

La Commission ne croit pas toutefois qu'on puisse chiffrer ces bénéfices et elle admet, comme bien justifiée, l'évaluation à 36,000,000 de francs environ des sommes nécessaires pour mener à bien l'entreprise.

Exploitation du Port.

Services faisant l'Objet d'un Monopole.

Au point de vue de l'exploitation, la société demande le monopole, de toutes les opérations de chargement, déchargement, pesage, manutention, magasinage des marchandises, pilotage, remorquage, fourniture d'eau aux navires, location d'allèges, de grues, &c. Son monopole ne comprendrait pas les opérations effectuées sur les navires par les moyens du bord, ni l'arrimage et le désarrimage dans la cale, pour lesquels elle fournirait du personnel seulement sur la demande du capitaine, de façon à laisser à celui-ci la responsabilité de son choix. Par la même raison, elle ne se chargerait des opérations en douane que sur la demande des intéressés. Par contre, le monopole comprendrait l'embarquement et le débarquement des voyageurs, pour les navires ne prenant pas place à quai, sauf au concessionnaire à laisser faire ces opérations par des agents qu'il aurait agréés et qui lui paieraient une redevance. Cette organisation aura, pour le public, le grand avantage de le soustraire à la foule d'offres dont il est actuellement assailli et aux exigences auxquelles il est soumis en cas d'affluence de voyageurs ou de mauvais temps. Nul ne serait admis à offrir son concours, pour un service quelconque, sur les quais ou dans les bassins sans avoir obtenu l'agrément de la société, moyennant redevance.

La Commission estime que la demande de la société est justifiée, non seulement par la nécessité de lui réserver toutes les sources de profit qui pourraient aider à rémunérer son capital, mais encore par l'intérêt bien entendu du public, qui exige que les opérations soient conduites avec ordre et méthode.

En ce qui concerne les opérations de charbonnage, la société ne croit pas avoir avantage à faire elle-même le déchargement des combustibles et leur embarquement. Elle juge préférable d'en laisser le soin aux négociants, qui lui paieraient des redevances pour la location des emplacements occupés, le séjour des chalands charbonniers dans le port et usage des engins de manutentions, s'il était reconnu plus avantageux que l'emploi exclusif de la main-d'œuvre.

Le transport sur les voies des quais des marchandises en provenance ou à destination

du chemin de fer sera assuré par la compagnie concessionnaire du chemin de fer, à laquelle ces voies sont concédées.

Pour assurer le bon ordre des opérations, la société devra rédiger un règlement du port, qui sera approuvé par l'autorité tangéroise ; faute par elle d'édicter les règles nécessaires, le service du contrôle y pourvoirait, après une mise en demeure restée infructueuse. Le cahier des charges devra prévoir ce règlement et déterminer les attributions du capitaine du port, qui sera nommé par la compagnie et agréé par l'administration, ainsi que l'étendue des dépendances du port et des accès dans lesquelles cet officier exercera son autorité.

Taxes à percevoir.

Pour rémunérer son capital et couvrir les frais de l'entretien et de l'exploitation du port, la compagnie pourra percevoir des taxes sur les navires, les passagers et les marchandises.

Ces droits se distinguent théoriquement en deux catégories : les péages ou droits de port, répondant simplement à l'usage qui est fait des ouvrages établis et entretenus par la compagnie ; les taxes diverses répondant aux services particuliers rendus à chaque navire, à chaque voyageur, à chaque expéditeur ou destinataire de marchandises. Pratiquement, quand le concessionnaire du port a le monopole des opérations qui s'y effectuent, la distinction entre ces deux catégories n'a plus grande importance, puisque c'est dans la même caisse qu'entrent toutes les recettes. Ce qui limite leur montant total, c'est la charge que l'on peut imposer à chaque branche du trafic sans entraver son développement ; il suit de là que toute augmentation des péages oblige à réduire les taxes spéciales ou inversement. La répartition des sommes que l'on peut tirer des navires, des voyageurs ou des marchandises, entre les péages et le prix des services rendus, n'a donc d'intérêt qu'au point de vue de l'effet produit sur la clientèle par l'aspect des tarifs.

Le montant maximum des perceptions autorisées devra être inscrit au cahier des charges. La société concessionnaire restera maîtresse de se mouvoir dans les limites de ce maximum, pourvu qu'elle respecte le principe de l'égalité de traitement, c'est-à-dire qu'elle impose les mêmes taxes à tous les navires, à tous les voyageurs à toutes les marchandises se présentant dans les mêmes conditions. La Commission est d'avis qu'en raison de la difficulté d'équilibrer les recettes et les dépenses, il convient de fixer le maximum, pour chaque taxe, au chiffre le plus élevé qu'il semble possible de percevoir, dans les cas les plus favorables, sans chasser le trafic. On peut compter sur l'intérêt qu'aura la société à l'attirer, pour l'inciter à realiser les réductions opportunes. Puisqu'il est impossible de donner au concessionnaire du port une guarantie de revenu et qu'il devra assumer les aléas de l'exploitation, il faut bien lui laisser la liberté d'action nécessaire pour réduire autant que possible ces aléas.

Nous allons passer en revue les taxes prévues, en indiquant le produit qu'en attend la société au début de son exploitation, c'est-à-dire dans cinq ou six ans.

Taxes sur les Navires.

Pour les navires, le droit sera perçu sur la jauge nette conformément à ce qui se pratique dans la plupart des ports. Il devra être très minime, en raison du grand nombre de navires qui font escale à Tanger, pour y effectuer des opérations insignifiantes ; le nombre de tonnes de marchandises embarquées et débarquées ne représente guère actuellement que 5 ou 6 pour cent du tonnage des navires entrés dans le port. Une taxe un peu élevée serait prohibitive, pour beaucoup de mouvements de cette nature.

La société demande à percevoir, à l'entrée, un péage de 30 centimes, auquel ne s'ajouterait aucun droit de sortie. Mais elle estime qu'il faudrait réduire ce droit à 10 centimes pour les navires des lignes faisant dans le port un service régulier au moins mensuel, et même à 5 centimes pour les lignes faisant un service bihebdomadaire. Elle pense que, dans ces conditions, la perception moyenne né dépasserait pas 15 centimes par tonneau. Le mouvement actuel des navires à l'entrée est très voisin de 1,500,000 tonneaux. En l'évaluant à 1,600,000 tonneaux dans cinq ans, on tirerait du droit de port, chaque année, 240,000 fr.

Le service du pilotage serait obligatoire, malgré la facilité d'accès du port à l'entrée et à la sortie. La société propose de fixer un tarif indépendant des dimensions du navire ; la taxe serait : pour les navires à vapeur, 25 fr. le jour, 50 fr. la nuit ; pour les voiliers, 10 fr. le jour, 20 fr la nuit ; les navires de moins de 100 tonneaux seraient exempts.

Le rendement, pour un mouvement d'environ 3,000 entrées et sorties (dont un dixième de voiliers), serait de 94,000 fr.

On y ajouterait un droit d'amarrage de 10 fr. par navire à vapeur amarré à quai, donnant 10,000 fr.

Le remorquage ne s'appliquera sans doute qu'aux vapeurs en avaries ou aux voiliers par vent contraire. Il serait payé 20 fr. l'heure et la compagnie n'en attend pas plus de 3,000 fr.

Ce qui fait pour les droits sur les navires au total 347,000 fr.

La Commission estime que les droits de port prévus sont admissibles et l'évaluation du trafic raisonnable ; mais elle pense qu'on pourrait sans inconvénients majorer notablement le droit de pilotage pour les navires de grandes dimensions, sauf à le réduire pour les petits navires, et qu'on pourrait tirer ainsi de l'ensemble un produit notablement plus élevé. Les représentants de la société estiment qu'en raison de la facilité de l'accès du port, le service rendu sera trop faible, trop rapide pour qu'on puisse exiger une taxe plus forte et que cela heurterait les usages de la Méditerranée et soulèverait des récriminations.

Il semble cependant que l'on pourrait, en supprimant la distinction entre les navires à voile et les navires à vapeur, établir un tarif gradué qui serait, par exemple, le suivant :

Jusqu'à 100 tonneaux, pas de pilotage obligatoire.					
De 100 à 500 tonneaux,	15 fr.	le jour,	30 fr.	la nuit.	
De 500 à 2,000	„	25	„	50	„
De 2,000 à 5,000	„	50	„	100	„
Audela de 5,000	„	100	„	200	„

Quoiqu'il en soit, la Commission estime que les droits demandés sur les navires sont modérés dans leur ensemble et que le rendement à prévoir pourrait être sensiblement accru.

Taxes sur les Voyageurs.

La société prévoit une taxe sur les voyageurs qui serait de 5 fr. pour la première classe, 3 fr. 50 c. pour la deuxième classe, 2 fr. pour la troisième classe. Le rendement moyen serait de 3 fr. environ par tête et donnerait, pour un mouvement évalué au début à 40,000 voyageurs, environ 120,000 fr.

Aucune statistique ne permet de déterminer exactement le mouvement actuel des voyageurs à Tanger ; le chiffre prévu paraît admissible. La Commission pense qu'on pourrait adopter un tarif un peu plus élevé pour les voyageurs des premières classes, venant de ports éloignés ; la majoration qui en résulterait pour eux, dans le prix total du passage, serait insignifiante. Mais il ne faut pas oublier que, pour les très nombreuses traversées d'ouvriers entre Tanger et la côte d'Espagne, le péage devra être maintenu assez bas. Il ne semble donc pas qu'il y ait, sur ce point, de modifications appréciables à apporter à l'évaluation de la société.

D'autre part, celle-ci n'a prévu aucune recette pour le service de l'embarquement et de débarquement, au moyen de petits bateaux, des voyageurs des navires qui ne prendront pas place à quai. Il y a là cependant un service dont elle devra assurer l'organisation, directement ou par des intermédiaires, et qui pourra lui procurer un bénéfice appréciable.

Taxes sur les Marchandises.

Les marchandises embarquées ou débarquées dans le port de Tanger subissent actuellement, pour l'acconage entre les navires et les quais, des charges qui varient de 8 fr. à 10 fr. par tonne et parfois dépassent ce chiffre. Le service est lent, médiocre, et comporte des risques tels que les frets et les assurances en sont sensiblement majorés. La société estime qu'elle pourra tirer du trafic en moyenne 7 fr. 50 c. par tonne, pour un service qui sera infiniment meilleur, aussi bien en rade qu'à quai, et cette évaluation n'a rien d'exagéré.

La société avait d'abord proposé de répartir ainsi ce total : 5 fr. de droits de port et 2 fr. 50 c. de frais de chargement ou déchargement. Elle a ensuite proposé une autre ventilation : 4 fr. 75 c. d'un côté et 2 fr. 75 c. de l'autre. La Commission ne croit pas utile d'opter entre ces hypothèses, se bornant à constater que le chiffre total est modéré, parfaitement admissible et susceptible même d'être relevée.

Bien entendu, ce n'est pas une moyenne que l'on pourra inscrire dans le cahier des charges. Il faudra répartir les marchandises en un certain nombre de catégories, pour chacune desquelles on prévoira un tarif maximum, calculé d'après ce qu'elle paraît pouvoir supporter en raison de sa valeur, des conditions du trafic à Tanger, &c. On pourrait aussi établir des maxima différents, suivant que la provenance ou la destination est plus ou moins éloignée, comme cela se fait dans la plupart des ports; une pareille distinction est justifiée par cette considération qu'une même taxe est d'autant moins sensible que le fret auquel elle s'ajoute est plus élevé, en raison de la longueur du voyage.

La société a esquissé, sur la demande de la Commission, un projet de tarif répartissant les marchandises en huit catégories, non compris les charbons soumis à un régime spécial. Le droit de port, par 100 kilog., s'élèverait à 4 fr. pour la première catégorie (tissus de laine et de mousseline), descendrait à 1 fr. 35 c. dès la seconde catégorie et à 15 centimes pour la huitième. Le droit de chargement ou de déchargement, par 100 kilog. également, varierait de 50 centimes pour la première catégorie à 15 centimes pour la huitième. Il s'y ajouterait un tarif par tête, pour le droit de port appliqué aux animaux (bœuf, 2 fr.; mouton, 25 centimes; cheval, 7 fr.; âne 4 fr.) et un tarif à la pièce ou au panier pour certains objets (pianos, barils de vin, d'huile, ou de bière, fruits, &c.).

La Commission n'a pas examiné dans le détail ce tarif, présenté au dernier moment. Elle le reverra quand un cahier des charges, déterminant exactement les opérations qui donneront lieu à chaque perception, lui sera soumis. Elle ne formule quant à présent aucune objection de principe, tout en attirant l'attention de la société sur la possibilité d'établir des taxes différentes, suivant la provenance ou la destination des produits, comme il est dit ci-dessus, et de relever certaines taxes, notamment celles qui sont prévues pour les animaux.

La société estime que ces taxes s'appliqueront à un tonnage total d'environ 150,000 tonnes, au début de l'exploitation. Le mouvement du port de Tanger, qui se développe rapidement, paraît s'être élevé à 110,000 tonnes en 1913. Ce chiffre, constate par la douane, ne paraît pas comprendre certaines marchandises exemptes de droits de douane et ne tient pas compte du poids des emballages, qui supportent naturellement les droits de port. La prévision d'un mouvement de 150,000 tonnes, dans cinq ans, quand le chemin de fer ou bien mettra déjà le port en communication avec l'intérieur, ou bien comportera encore des travaux donnant lieu à des transports importants, paraît plutôt modérée.

L'application à ce tonnage d'un ensemble de taxes atteignant en moyenne 7 fr. 50 c. par tonne donnerait une recette brute totale de 1,125,000 fr., que la Commission croit au-dessus de ce qui peut être en réalité perçu sans inconvénients.

Pour le magasinage, la société prévoit une durée de séjour gratuit sur les quais s'étendant à trois jours, et ensuite, pour le séjour sous les hangars, des taxes par jour et par tonne partant de 15 centimes au début et croissant avec la durée du séjour jusqu'à 60 centimes par jour au delà du douzième; cette progression est nécessaire pour assurer le prompt dégagement des quais. La taxe serait réduite d'un tiers pour le séjour des marchandises sur les terre-pleins non abrités. En magasin clos, on payerait, par 100 kilog. et par semaine, des taxes variant de 10 centimes à 1 centime, suivant la catégorie des marchandises. La société en evalue le rendement à 600,000 fr.

La Commission croit ce chiffre plutôt bas.

Elle pense que le concessionnaire du port pourrait tirer des profits sérieux de la location de certaines parties des magasins et de l'exploitation d'un entrepôt pour la douane. Il pourrait aussi essayer d'organiser une sorte de port franc où les navires faisant escale déposeraient des marchandises qui seraient ensuite reprises par d'autres navires pour être distribuées, notamment dans la région voisine de la Méditerranée. La situation géographique de Tanger sur la route de nombreux navires, le régime douanier du Maroc qui soumet au même droit d'entrée les marchandises déposées dans le port, quelle que soit leur provenance, enfin l'existence de terre-pleins étendus dans le voisinage des bassins, rendraient ce service facile à organiser et probablement assez lucratif.

On n'a pas évalué le rendement des taxes qui seraient prévues pour la manutention des marchandises déplacées le long des quais, lorsqu'elles auraient été déposées en un point autre que celui où elles devraient être embarquées, ni pour le pesage des marchandises, le bâchage, &c Le produit de ces opérations ne saurait, en effet, être bien considérable : il ne doit cependant pas être négligé.

Rien n'est prévu non plus pour le transport sur les voies des quais. Celles-ci sont, en effet, concédées en principe à la Compagnie du Chemin de Fer de Tanger à Fez. Les conditions de cette concession devront être déterminées par une entente entre les

trois autorités de qui relève le chemin de fer (tangéroise, espagnole et française) et les deux compagnies du chemin de fer et du port. La compagnie du chemin de fer, qui devra nécessairement poser les voies, fournir le matériel et en assurer les mouvements, n'aura droit, de ce chef, qu'à une taxe minime. Cette taxe devra être calculée de manière à rémunérer le capital engagé dans les voies et à couvrir à peu près les frais des opérations que le concessionnaire du chemin de fer y effectuera. La Société internationale pour le Développement de Tanger fait observer sur les marchandises en provenance ou à destination du chemin de fer pourraient être soumises à une taxe plus élevée, pour la circulation sur les quais. Si une pareille taxe était autorisée, il pourrait y avoir avantage à en abandonner la perception à la compagnie du chemin de fer, à charge pour elle de contribuer aux dépenses d'établissement des quais dans une mesure répondant aux recettes qu'elle tirerait de cette perception. Le service des obligations à émettre par la compagnie du chemin de fer étant garanti par les Gouvernements espagnol et français, ces obligations se placeront sans doute à un taux plus avantageux pour l'émetteur que celles du port, de sorte que la société du port trouvera sans doute bénéfice à demander à la compagnie du chemin de fer un concours en capital, plutôt que de percevoir elle-même une taxe supplémentaire pour l'usage des quais par les marchandises expédiées ou reçues par les voies ferrées.

Le produit des droits sur les marchandises, magasinage compris, est évalué, d'après ce qui est dit ci-dessus, à 1,185,000 fr.

Ce chiffre paraît pouvoir être sensiblement majoré, en raison notamment du produit à espérer des opérations accessoires.

Services des Charbons.

La société ne croit pas devoir se réserver le monopole de la manutention des charbons de soute. Elle se borne à prévoir une taxe de 50 centimes par tonne sur les combustibles introduits dans le port. Mais elle ferait payer aux négociants le loyer des emplacements occupés par leurs dépôts de charbon et un droit d'abonnement pour le séjour des chalands dans le port. En outre, elle fait état, comme recette afférente à ce service, du droit de port de 30 centimes par tonneau de jauge nette que paieraient les navires charbonniers constituant dans le port un mouvement nouveau dont il n'a pas été tenu compte jusqu'ici.

Elle évalue l'ensemble de ces recettes, pour un mouvement atteignant environ 100,000 tonnes de charbon de soute au début, à 190,000 fr.

Au point de vue de l'importance du trafic, la Commission croit cette évaluation trop modérée. Au point de vue des taxes, elle n'en a point discuté le détail. Mais elle constate que l'ensemble répond à 1 fr. 90 c. par tonne de charbon livré. Cette somme, comprenant le droit sur les navires importateurs et la location des emplacements nécessaires au commerce sur les terre-pleins et dans le port, constitue une charge légère pour le commerce du charbon, et semblerait pouvoir être sensiblement majorée, eu égard à l'importance des services auxquels elle correspond.

Services divers.

La société n'a fait figurer dans ses évaluations qu'une somme d'environ 18,000 fr. pour le produit des services accessoires : location de grues ou d'allèges, droit de stationnement de la batellerie, abonnement des marchands, des guides, des interprètes, &c., admis à offrir leurs services dans le port.

Elle n'a rien compté pour le recours facultatif à ses services en ce qui concerne les opérations en douane le courtage, &c.

La Commission avait appelé son attention sur la fourniture d'eau aux navires. La société déclare qu'elle ne peut prendre l'engagement d'assurer ce service, tant qu'elle ne sera pas assurée d'avoir de l'eau en quantité suffisante et de bonne qualité; actuellement l'eau est rare et médiocre à Tanger et se paie jusqu'à 8 fr. et 10 fr. le mètre cube. Une des premières obligations incombant à la future municipalité sera d'organiser une distribution d'eau dans la ville. Si cette eau est livrée au port au tarif normal, le concessionnaire pourra en fournir aux navires à des prix qui, tous frais payés, laisseraient au moins 1 fr. de bénéfice. La société admet qu'à raison de 30 tonnes seulement, en moyenne, pour chacun des 3,000 navires fréquentant le port, elle pourrait trouver là 90,000 fr. de produit net supplémentaire. C'est donc un élément important.

Total des Recettes.

Les précisions de la société, groupées comme nous l'avons fait ci-dessus se résument ainsi :

	Fr.
Navires (droit de port, pilotage, remorquage)	347,000
Passagers (droit de port)	120,000
Marchandises (droit de port, embarquement, débarquement, magasinage).	1,185,000
Charbons (droit sur les navires, droit de port, location d'emplacements) ..	190,000
Divers (abonnements, location, &c.)	18,000
Total	1,860,000

Ce chiffre paraît à la Commission sensiblement inférieur à ce que l'on peut espérer. Nous avons dit que les évaluations de trafic sont modérées. Il semble que les droits de pilotage, certains droits sur les voyageurs, ainsi que le produit total à tirer de chaque tonne de marchandises ou de charbon, pourraient être majorés dans une mesure appréciable. Les opérations accessoires d'embarquement et de débarquement des voyageurs, de manutention et de pesage des marchandises, de fournitures facultative de personnel pour l'arrimage et le désarrimage, d'accomplissement des formalités en douane, &c., pourront procurer des produits notables à une exploitation active et intelligente. La société reconnaît que la fourniture d'eau aux navires peut fournir des recettes très importantes.

La Commission croit donc possible de majorer sensiblement l'évaluation donnée pour les recettes.

Dépenses d'Exploitation.

La société les évalue très sommairement, ainsi qu'il suit :

	Fr.
Dépenses générales et entretien du port	350,000
Frais d'exploitation, manutention, magasinage, remorquage, pilotage, &c...	450,000
Total	800,000

La Commission considère le premier chiffre comme trop faible. Les frais généraux de la société, l'entretien et la police du port entraîneront sans aucun doute des charges permanentes sensiblement plus élevées.

Le second chiffre paraît au contraire raisonnable, sans pouvoir être discuté en détail. Comme il s'agit de dépenses variant en raison de la fréquentation du port et de l'appel qui sera fait par sa clientèle aux services de son administration, il y a place pour moins de mécomptes, les variations dans les dépenses devant répondre à celles des recettes.

Produit net.

Les chiffres fournis par la compagnie conduiraient aux résultats suivants :

	Fr.
Recettes	1,860,000
Dépenses	800,000
Produit net initial	1,060,000

La compagnie, dans ses études financières, réduit ce chiffre en l'arrondissant à 1,000,000 de francs.

La Commission, étant d'avis que les évaluations de recettes d'une part, des dépenses de l'autre, doivent être sensiblement majorées, considère l'estimation faite par la compagnie du produit net comme plutôt faible, mais répondant cependant à des prévisions rationnelles. Elle l'accepte comme base des combinaisons financières à étudier, qui seront ainsi établies avec prudence.

Régime financier.

Constitution et Charges du Capital.

Nous avons dit que, dans sa première session, la Commission technique avait insisté vivement pour l'augmentation du capital-actions de la société. Conformément au résultat de ses délibérations, son président avait demandé aux représentants de la

société de porter le capital prévu de 5,000,000 à 10,000,000 de francs. Ce chiffre ne représenterait guère plus du quart des sommes à réaliser, évaluées à 36,000,000 de francs, ce qui avait paru déjà une proportion bien faible pour les débuts d'une affaire ne jouissant d'aucune garantie de l'autorité concédante.

Le conseil d'administration s'est réuni et n'a pas cru pouvoir accéder à ce désir. Il a fait remarquer que le caractère international de la société rend particulièrement difficile à réaliser toute augmentation de son capital-actions. En effet, la proportion attribuée à chaque nationalité, dans ce capital, a été fixée à la suite de négociations délicates et ne doit pas être modifiée. Si les premiers adhérents ne croient pas pouvoir accroître leur participation et s'il faut faire appel à de nouveaux concours, il est nécessaire que ces concours soient trouvés, dans chaque pays, précisément dans la proportion répondant à sa part initiale, et c'est là une condition difficile à réaliser.

La société a donc maintenu son capital à 5,000,000 de francs, pour lesquels elle prévoit un intérêt intercalaire de 5 pour cent, soit chaque année 250,000 fr.

La somme à se procurer par l'émission d'obligations serait donc de 31,000,000 de francs. La société estime que, dans la situation financière actuelle,* elle ne pourra émettre que des obligations du type 5 pour cent franches de tout impôt. L'annuité comprenant l'amortissement en soixante-quinze ans d'un emprunt contracté à 5 pour cent représente 5·13 pour cent du capital nominal. La société prenant à son compte tous les impôts qui frappent légalement les porteurs de titres, supporterait de ce chef une charge supplémentaire qui, en l'état actuel de la législation française, représente environ 0·5 pour cent par an du capital nominal. Elle estime en outre qu'elle ne pourrait pas émettre au jour des obligations, même de ce type. La différence entre la valeur nominale et le prix de vente au public, d'une part, les frais de l'émission (sous forme de commission aux banquiers) d'autre part, entraîneraient encore un surcroît de frais portant les charges effectives totales à 6 pour cent environ des sommes réellement encaissées par l'emprunteur. Les charges d'un capital de 31,000,000 de francs réalisé en obligations atteindraient donc 1,860,000 fr. Avec les intérêts du capital, l'annuité totale nécessaire au début au service des titres atteindrait 2,110,000 fr.

Nous remarquerons que les intérêts intercalaires, évaluée en moyenne à 1,300,000 fr. par an sur la période totale de la construction, dépassent sensiblement la moitié de ce chiffre, bien que les plus grosses dépenses ne se règlent généralement que vers la fin des travaux. Mais la nécessité de réaliser en une seule fois l'émission des obligations, l'écart inévitable entre le taux de l'intérêt qui sera tiré des fonds provisoirement disponibles et celui de l'emprunt expliquent cet écart. La Commission est cependant d'avis qu'il doit être possible de réduire un peu les intérêts intercalaires, comme nous l'avons déjà indiqués en évaluant le capital nécessaire à l'entreprise.

Montant et Durée probables du Déficit.

Le produit net étant d'un million, le déficit initial dépasserait 1,100,000 fr. La société admet que le produit net augmenterait d'environ 75,000 fr. par an, ce qui répond à une plus-value initiale de 7·5 pour cent environ. Il importe de remarquer que cette progression n'implique pas une augmentation égale du trafic, car les frais généraux et les dépenses d'entretien d'un port grossissent bien moins vite que la recette, quand le trafic se développe. La compagnie admet que le trafic en marchandises croîtra plus vite que le tonnage des navires, l'importance des opérations faites par chacun de ceux-ci dans le port devant grandir à mesure que les affaires se multiplieront, Elle admet que, quand le trafic atteindra les chiffres ci-après :

2,000,000 de tonneaux de jauge nette à l'entree,
50,000 voyageurs entrés ou sortis,
250,000 tonnes de marchandises embarquées ou débarquées,
150,000 tonnes de charbon,

la recette brute montera à 2,770,000 fr., les dépenses d'administration et d'exploitation à 1,170,000 fr. et le produit net à 1,600,000 fr.

D'après un tableau de la marche du produit net et des charges dressé par la société, ce résultat serait atteint la neuvième année et le déficit disparaîtrait à peu près la seizième année. La Commission estime, comme il est dit ci-dessus, que les chiffres de recettes et de dépenses devraient être majorés les uns et les autres ; mais elle considère la progression indiquée dans le produit net comme admissible, toutes réserves faites sur

* Les évaluations ci-dessus ont été arrêtées avant la secousse financière qui s'est produite dans toutes les bourses de l'Europe à partir du 23 juillet, 1914. Il va de soi que, si cette crise se prolongeait, il n'y aurait plus aucune combinaison financière à envisager avant un certain temps.

l'incertitude inévitable dans ce genre d'appréciation. Il résulterait de ces prévisions que ce serait seulement la treizième année que le produit net suffirait pour assurer le service des obligations et la seizième année que le capital action pourrait recevoir un dividende de 5 pour cent, fourni par les seules recettes du port.

Il est évidemment nécessaire d'assurer dès le début le service des emprunts; il est même impossible de faire attendre pendant douze ou quinze ans aux actionnaires, une fois la période d'établissement close, une rémunération convenable de leur capital, alors que, l'insuffisance ne proviendrait ni d'erreurs dans leurs prévisions, ni de fautes dans leur gestion, mais serait la conséquence inévitable du délai reconnu, dès le début, nécessaire au développement du trafic. Il faut donc imaginer un moyen de faire face aux charges du capital pendant ce temps.

La solution naturelle serait d'assimiler les charges d'intérêt des premières années aux intérêts intercalaires pendant la construction et d'y pourvoir au moyen d'émissions d'obligations. Mais le jeu des intérêts composés grossirait alors le capital à rémunérer dans des conditions inadmissibles. Avec le taux de 6 pour cent, pour couvrir les 9,000,000 de francs environ de déficit que la compagnie prévoit pendant les quinze premières années, il faudrait émettre, pendant cette période, environ 15,000,000 de francs d'obligations dont les charges devraient ensuite être couvertes de la même manière et doubleraient la durée de la période des insuffisances. On ne saurait songer sérieusement à édifier une combinaison financière sur une capitalisation aussi prolongée des déficits et il serait impossible de trouver des fonds dans ces conditions.

Le paiement des intérêts sur fonds d'emprunts peut être envisagé comme un appoint pendant un petit nombre d'années; il ne saurait recevoir une application aussi longue.

Terrains des Terre-pleins du Port : Gare maritime.

La vente des terrains disponibles sur les terre-pleins constitués au sud du port fournira d'autre part une ressource supplémentaire, dont on ne saurait déterminer à l'avance l'importance et la date de réalisation, mais qui peut être assez sérieuse.

Une partie de ces terre-pleins devra être réservée aux services du port; la Commission fait remarquer, à cette occasion, que la société disposant de vastes terrains devra réserver le long des quais une voie, non de 60 à 90 inches, mais de 100 inches au moins, car l'insuffisance de largeur peut être plus tard une gêne considérable. Les ateliers les magasins, le port franc occuperont une surface assez importante.

Les voies publiques à ménager dans le lotissement qui sera fait des terre-pleins en absorberont une partie. Il est indispensable, d'autre part, d'affecter une fraction des surfaces restantes exclusivement à des locations pour les établissements commerciaux et industriels à créer dans le voisinage des quais, de manière à réserver l'avenir. Mais il n'en restera pas moins une étendue assez importante qui pourra être aliénée, à mesure que la population de Tanger se développera. Les terre-pleins sud doivent être notamment délimités, du côté opposé au port, par un large boulevard sur lequel les terrains à bâtir ne peuvent manquer de prendre une réelle valeur.

Les ventes s'échelonneront sans doute sur une durée assez longue. Cependant, dès le début, on peut en prévoir une assez importante pour la gare maritime du chemin de fer de Tanger à Fez. On avait envisagé primitivement la possibilité de céder au chemin de fer une dizaine d'hectares. Mais la compagnie a déjà acquis, dans une région plus éloignée où les terraines sont moins chers, les emplacements nécessaires aux services accessoires de la gare, au triage des wagons, au dépôt et aux ateliers; elle s'est également assuré les moyens d'établir une gare provisoire pour les voyageurs. Elle n'aura donc pas besoin d'une surface aussi étendue qu'on l'avait prévu au début. La gare maritime définitive n'en occupera pas moins plusieurs hectares, nécessairement pris sur les terre-pleins du port. Les facilités d'émission dues à la garantie, dont nous avons déjà parlé, permettraient au chemin de fer de payer les terrains qui lui seront destinés dès qu'il aura la certitude que ces terrains lui seront livrés, et d'aider ainsi au service financier du port.

En dehors de cas restreint, la vente des terrains ne saurait être considérée comme une ressource sur laquelle on puisse compter pour subvenir à des besoins à échéance fixe comme le service des obligations. C'est seulement à la longue qu'elle deviendra une source de profits sérieux.

Caisse spéciale des Travaux publics.

La société a songé alors à recourir à la Caisse spéciale des Travaux publics du Maroc, instituée par l'Acte d'Algésiras. Cette Caisse a pour objet d'assurer "le

développement de la navigation et du commerce dans l'Empire chérifien." Elle est dotée au moyen d'une surtaxe s'élevant à 2½ pour cent de la valeur de toutes les marchandises importées au Maroc, qui s'ajoute aux droits de douane prévus au profit du budget général de chaque zone, lesquels s'élèvent, pour la plupart des marchandises, à 10 pour cent de leur valeur. La Caisse est gérée par un comité spécial, qui détermine l'affectation de ses recettes et en effectue la répartition entre des diverses zones. Cette Caisse a réalisé, en 1913, 4,500,000 fr. de recettes totales, dont 560,000 fr. pour les importations effectuées par Tanger.

La Commission estime que les ressources de la Caisse spéciale revenant à la zone tangéroise constituent le véritable moyen de couvrir les déficits du port pendant la première période d'exploitation. C'est bien là leur affectation naturelle, puisque le port est l'instrument essentiel du développement du commerce et de la navigation à Tanger.

M. Porché a fait observer que la Caisse spéciale constitue actuellement la seule ressource sur laquelle puissent être dotés les travaux publics d'une ville où tout est à faire. Il a vivement protesté contre l'idée de réaliser sur cette Caisse des prélèvements qui ne laisseraient plus aucun moyen, non seulement d'exécuter les travaux de voirie, d'adduction d'eau, d'assainissement, indispensables, mais même de pouvoir à l'entretien des rues et des ouvrages existants. Il a fait ressortir que la municipalité tangéroise, grevée par le passé d'une partie de dettes du Makhzen et pour l'avenir des dépenses d'un véritable État, soumis à une administration particulièrement onéreuse à raison de son caractère international, serait peut être dans l'impossibilité de disposer d'aucune ressource pour remplacer les recettes qui lui seraient enlevées par l'affectation au port des fonds de la Caisse spéciale.

La Commission s'est engagée à appeler tout particulièrement l'attention des Gouvernements qui y sont représentés sur la nécessité de grossir, autant que possible, les ressources de Tanger et de reduire ses charges, de manière à assurer le fonctionnement du service des travaux publics dans la mesure indispensable pour répondre aux besoins de la ville. Mais elle a estimé qu'il serait impossible de doter la ville du port indispensable à son développement si on n'affectait pas à cet objet les ressources de la Caisse spéciale, dont il constitue l'emploi le plus conforme au but même de son institution.

Premières Demandes de la Société.

La société, s'inspirant des mêmes considérations, a d'abord demandé que les trois quarts des recettes réalisées par la Caisse spéciale des Travaux publics à Tanger, au delà de 450,000 fr. par an, fussent affectés à couvrir le déficit du port pendant trente années; pendant les cinq premières années de la construction le prélèvement aurait servi à constituer un fond de prévoyance; pendant les vingt-cinq années suivantes il aurait été versé à la société. En supposant que les recettes de la Caisse spéciale s'élèvent à 600,000 fr. au moment où la concession sera faite et qu'elles progressent de 25,000 fr. par an, la société aurait ainsi perçu des sommes évaluées à 205,000 fr., la première année de son exploitation, à 656,000 fr. la vingt-cinquième année. Pour faire face à l'insuffisance des recettes au début on aurait d'abord puisé dans le fonds de prévoyance, puis la société aurait été autorisée à réaliser des emprunts gagés sur les versements ultérieurs de la Caisse spéciale; enfin, comme dernière ressource, elle aurait été autorisée à porter au compte d'établissement les déficits qui n'auraient pu être ainsi couverts.

Les ventes de terrains seraient d'ailleurs venues fournir un supplément de ressources pour alimenter le fonds de prévoyance.

Comme contre-partie des subsides qu'elle demandait, la société offrait de partager ses recettes avec la municipalité de Tanger, lorsque leur montant atteindrait un certain chiffre.

Observations de la Commission.

La Commission n'a pas cru possible de se rallier aux propositions de la compagnie, qui lui ont paru présenter deux inconvénients: engager pour trop d'années la Caisse spéciale; ne pas offrir aux prêteurs des garanties suffisantes.

Le vice capital de ces propositions, c'est que les ressources auxquelles il eût été fait appel auraient présenté précisément les mêmes inconvénients que les produits nets à l'insuffisance desquels il faut suppléer: elles eussent été aléatoires et subordonnées, dans leur montant, au développement futur du port; elles eussent été très faibles au début et ne fussent devenues importantes que quand les produits de l'exploitation eux-mêmes eussent donné des excédents. En raison de leur insuffisance au debut, la

société était amenée à demander à la Caisse spéciale des sacrifices évalués entre 11,000,000 et 12,000,000 de francs pour en faire le gage d'emprunts nouveaux dont la réalisation n'eût pas été sans difficulté.

La Commission a pensé qu'il valait mieux allouer à la société des annuités fixes, en prenant pour point de départ l'ouverture du port à l'exploitation. On laisserait ainsi à la ville de Tanger, pendant quelques années encore, la libre disposition de toutes les ressources de la Caisse spéciale, pour subvenir aux besoins les plus urgents. On donnerait à la future municipalité le temps de créer les ressources nécessaires en vue de remplacer les revenus de la Caisse spéciale, le jour où elle en serait privée.

La Commission a donc offert à la société de proposer qu'il lui fût alloué dix annuités de 600,000 fr. fournies par la Caisse spéciale, à partir de la mise en exploitation du port. Il serait pourvu, dans les premières années, au surplus du déficit, que les ressources de la Caisse spéciale ne lui donneraient pas les moyens de couvrir, au moyen d'émissions d'obligations dont les recettes futures permettraient de faire le service.

Mais, comme condition absolue de l'allocation offerte, la Commission demandait que le capital-actions fût porté à 7,500,000 fr. Ce chiffre, inférieur au cinquième des sommes totales à réaliser, lui paraissait le *minimum minimorum* indispensable pour ne pas exposer la société à être culbutée par le moindre mécompte.

Dernières Propositions de la Société.

En réponse à la notification qui lui avait été faire de l'avis de la Commission technique, la société demanderesse a fait connaître qu'elle était prête à rechercher les moyens de porter son capital-actions à 7,500,000 fr., mais qu'elle serait sans doute amenée, dans ce cas, à créer des actions de priorité comportant un intérêt plus élevé que 5 pour cent, en sorte qu'elle devrait compter au taux de 5½ les charges annuelles répondant à l'ensemble des travaux publics, non pas dix mais quinze annuités fixes de 600,000 fr. et en outre l'engagement de lui verser pendant cinq années de plus des subventions pouvant atteindre 400,000 fr. par an, qui seraient exigibles en cas de besoin seulement. Si on le préférait, la société se contenterait de quinze annuités de 700,000 fr.

Pour compléter le service de l'intérêt des capitaux pendant les premières années, au cours desquelles le déficit dépasserait l'annuité de 600,000 fr., la société constituerait un fonds de prévoyance en réalisant par des émissions d'obligations une somme de 3,000,000 de francs, en sus des 28,500,000 fr. nécessaires, avec le capital-actions de 7,500,000 fr., pour couvrir les 36,000,000 de francs de dépenses prévues. Ce fonds de prévoyance serait ensuite grossi des intérêts de la somme qui le constituerait et du produit des ventes de terrains. Il servirait à couvrir les insuffisances des premières années, puis il serait reconstitué au moyen des excédents des recettes nettes sur les charges du capital. Pour hâter sa reconstitution, la société demandait qu'il lui fût versé la moitié des excédents des recettes de la Caisse des Travaux publics, au delà soit de 800,000 fr., soit de 900,000 fr., selon que l'annuité fixe serait de 600,000 ou de 700,000 fr.

Avis de la Commission.

Ces propositions ont été portées à la connaissance de la Commission le 23 juillet, après une séance nouvelle du conseil d'administration de la société, à la suite de laquelle les membres étrangers de ce conseil ont presque tous quitté Paris. Il n'était donc plus temps de poursuivre des négociations, et la Commission n'avait plus qu'à examiner la suite dont lui paraîtraient susceptibles les dernières propositions qui lui étaient soumises.

Elle a reconnu que ces propositions pouvaient servir de base à une entente, mais il ne lui a pas paru possible d'y donner une adhésion pure et simple. Elle estime que les charges qui en résulteraient pour la municipalité tangéroise seraient excessive et dépasseraient les besoins justifiés. En effet, les propositions présentées ne tiennent pas un compte suffisant des chances de bénéfices offertes par les services accessoires signalés plus haut, par la vente des terrains, &c.; elles n'en tiennent aucun des recettes qui pourront être perçues pour les services auxquelles la société commencera à pourvoir avant l'achèvement des travaux. La combinaison proposé soustrairait, d'autre part, à peu près les actionnaires à toutes chances de pertes, en leur réservant, pour l'avenir de très belles perspectives. Il est donc nécessaire de répartir plus équitablement les chances de gain et de perte entre la ville de Tanger et la société, et la Commission est d'avis que quelques modifications doivent être apportés à la combinaison proposée par celle-ci.

En premier lieu, il est impossible de porter à 700,000 fr. les annuités promises sur la Caisse des Travaux publics, dont les ressources tangéroises n'ont pas encore atteint 600,000 fr. par année. Il l'est également de promettre un partage des excédents de recettes de cette caisse au delà d'un certain chiffre, ce qui autoriserait la société concessionnaire du port à critiquer et à contester toutes les modifications qui seraient apportées ultérieurement, par l'autorité tangéroise ou par les Puissances au fonctionnement de cette organisme. Il importe que le chiffe des subventions ne dépende pas du montant des recettes de la caisse qui les fournira, de telle sorte que les autorités compétentes puissent charger l'organisation de cette caisse à charge seulement d'assurer par une autre voie l'acquittement de ses obligations.

Le chiffre de quinze annuités fixes de 600,000 fr. donnant un total de 9,000,000 fr., à peu près égal au montant des déficits prévus par la société dans sa première combinaison, constitue de la part de l'autorité tangéroise un sacrifice suffisant et déjà très lourd pour elle. Si la société désire prolonger les subventions, il est nécessaire qu'elle consente en échange une certaine réduction sur leur montant. Il semblerait possible, par exemple, de lui allouer douze annuités fixes de 600,000 fr. suivies de huit annuités qui pourraient atteindre chacune 400,000 fr., mais qui ne seraient dues que dans la mesure nécessaire pour assurer le service des titres; si la subvention dure ainsi vingt années, au moins faut-il qu'elle ne soit payée que dans la mesure où les plus-values du trafic ne suffiront pas à fournir les intérêts prévus, et non en vue de reconstituer un fonds de provision, quand il n'y aura plus de déficit.

La Commission, en se contentant d'un capital-actions de 7,500,000 fr., qui est déjà vraiment insuffisant en présence de 31,500,000 fr. à réaliser en obligations, est disposée à admettre que le taux de 5 pour cent s'applique seulement aux actions ordinaires, répondant aux engagements déjà pris moralement par les souscripteurs, et que le taux des intérêts intercalaires soit porté à 6 pour cent pour les actions de priorité constituant les 2,500,000 ajoutés; il serait naturel que les actions de priorité reçussent au début un dividende plus élevé que les autres, puisque sans doute elles auront moins de part aux bénéfices ultérieurs. Ce revenu serait servi aux actionnaires, tant qu'il pourrait y être fait face avec l'annuité fixe de la Caisse spéciale, complétée par les disponibilités du fonds de prévoyance. Mais, s'il fallait faire appel aux annuités éventuelles après le délai de douze années, auquel serait réduit le service de l'annuité fixe dans le cas où les subventions se prolongeant jusqu'à la vingtième année, seraient prévues, il faudrait que ce fût seulement pour compléter à 4 pour cent le revenu des actions ordinaires.

La création d'un fonds de prévoyance de 3,000,000 de francs constitué dès le début de l'entreprise est une mesure sage, bien qu'elle doive un peu grossir les intérêts à servir aux porteurs de titres. Mais il faut faire état des ressources que la vente des terrains apportera à ce fonds pour le reconstituer, et il n'est pas nécessaire dès lors de prévoir le versement d'annuités supplémentaires par la Caisse spéciale à cet effet. Il importe, notamment, de tenir compte des versements à effectuer par le chemin de fer, soit pour payer les terrains de la gare maritime, soit pour contribuer à l'établissement des quais, si un accord s'établissait pour obtenir son concours en échange d'une majoration de la taxe à percevoir sur le public pour les transports utilisant les voies qui y seront établies.

Même dans ces conditions, la contribution de la Caisse spéciale constituera un lourd sacrifice pour la municipalité tangéroise, qui aura grande peine à trouver ailleurs les ressources nécessaires pour assurer le service des travaux publics les plus indispensables. Il faut donc ouvrir à la ville de Tanger, comme compensation, la perspective d'une participation sérieuse dans les bénéfices. Si le trafic se développe rapidement, il est possible que ces bénéfices assurent au capital-actions une rémunération suffisante, avant même que l'annuité fixe de 600,000 fr. ait pris fin. Il serait inadmissible que la ville de Tanger continuât à supporter intégralement cette annuité, alors que celle-ci porterait le dividende à un chiffre très élevé en raison du petit nombre des actions.

Nous croyons donc nécessaire de stipuler que, quand les revenus nets de toute nature du port (annuité fixe comprise) dépasseront le chiffre nécessaire pour fournir un dividende de 6 pour cent à la totalité du capital-actions, l'excédent sera divisé en trois parties égales: la première appartiendra aux actionnaires; la seconde servira à reconstituer le fonds de prévoyance, tant que ce fonds n'atteindra pas 3,000,000 de francs; la troisième sera versé à la ville. Lorsque le fonds de prévoyance excédera 3,000,000 de francs, les deux tiers des excédents iront à la ville, mais l'attribution d'un tiers au fonds de prévoyance serait reprise dès qu'il serait ramené au-dessous de 3,000,000 de francs, par les prélèvements effectués en vue de subvenir à des besoins exceptionnels. Étant donné le peu d'importance du capital-actions, eu égard au chiffre d'affaires à prévoir, il ne faudra pas des plus-values considérables pour que le tiers des

recettes nettes supplémentaires attribué aux actionnaires grossisse le dividende dans une très forte proportion.

Le partage ainsi stipulé n'impliquerait d'ailleurs aucune immixtion de la ville dans la gestion de la société, aucune vérification de ses comptes. La société resterait maîtresse de régler la constitution de ses réserves et ses amortissements comme elle l'entendrait; seulement elle ne pourrait attribuer aucune somme à ses actionnaires, en dehors du revenu de 6 pour cent et de l'amortissement de leur capital, sans qu'une somme double fût, soit versée à la ville, soit partagée entre elle et le fonds de prévoyance, suivant la situation de ce fonds. Pour être sûr que les actionnaires ne chercheront pas à échapper au partage par la constitution de réserves diverses dépassant les besoins éventuels, il serait stipulé qu'en fin de concession, lorsque la société se liquidera, la partie de son actif excédant les sommes nécessaires pour rembourser le capital des actions non amorties sera partagé entre les actionnaires de la ville dans la même proportion que les bénéfices répartis chaque année. La création de réserves élevées, qu'il ne faut pas entraver, retarderait la participation de la ville dans les bénéfices qui ne seraient pas distribués comme dividendes; elle ne la supprimera pas.

Moyens d'alléger les Charges de la Ville.

La Commission a déjà signalé la nécessité de pourvoir aux besoins du service des travaux publics de la zone tangéroise, soit en créant à cette zone des ressources nouvelles, soit en allégeant ses charges. Au moment où le statut de Tanger va être arrêté définitivement, il est bon que la situation résultant des charges nouvelles que lui imposera le port soit signalé aux Puissances.

La Commission, sur l'initiative de M. le Capitaine Frederick et de M. de Thiercy, croit devoir indiquer un moyen d'obtenir la réduction des sacrifices demandés à la Caisse spéciale des Travaux publics, en donnant à la société la possibilité de réduire ses dépenses initiales. Ce moyen consisterait à exonérer cette société de l'obligation d'adjuger tous les travaux qu'elle fera exécuter, obligation résultant, pour toutes les entreprises concédés au Maroc, des articles 106 à 108 de l'Acte d'Algésiras.

L'adjudication a été rendue obligatoire au Maroc en vue d'assurer aux diverses nationalités une complète égalité pour la participation aux entreprises de travaux. Or, cette participation existe déjà dans l'intérieur de la Société internationale pour le Développement de Tanger. En lui laissant la liberté d'exécuter elle-même les travaux du port, c'est entre ses actionnaires que l'on répartirait les bénéfices à tirer des entreprises, c'est-à-dire qu'on en ferait profiter les nationalités diverses dans la mesure où elles participent à la constitution du capital.

Ce serait plutôt encore à l'administration internationale de Tanger que l'on attribuerait en réalité ces bénéfices, car il serait bien entendu qu'en échange de l'exonération d'une sujétion coûteuse, fertile en difficultés et peut-être en litiges, on stipulerait de la société l'abandon d'une partie des subventions qu'elle réclame.

Un autre moyen d'obtenir d'elle cet abandon pourrait être de concéder à la société un autre service lucratif lié par certains côtés à son entreprise, celui de la distribution des eaux dans la ville. Nous avons vu que la fourniture d'eau aux navires peut devenir une source sérieuse de revenus pour le concessionnaire du port. Mais, pour organiser ce service, il faut que ce concessionnaire ait la certitude de recevoir lui-même l'eau nécessaire, de bonne qualité, et moyennant un prix raisonnable. En lui concédant le service municipal de l'adduction et de la distribution des eaux, on lui donnerait cette certitude. La réunion des deux entreprises, en allégeant les frais généraux, permettrait de réduire les subventions demandées à la Caisse spécial des Travaux publics, c'est-à-dire, au fond, au budget de Tanger, qui devra remplacer par d'autres ressources les revenus enlevés à cette Caisse.

Les suggestions que nous venons de faire ne rentrent pas directement dans la mission de la Commission technique du port de Tanger. Mais, puisque les difficultés financières sont les principales que rencontre l'établissement de ce port, la Commission ne croit pas sortir de son rôle en indiquant des moyens détournés de les résoudre.

CONCLUSIONS.

La Commission a formulé, au cours du présent rapport toutes les observations que lui suggèrent les projets techniques, commerciaux et financières dont elle a été saisie. Elle est aujourd'hui à peu près d'accord avec le demandeur en concession sur la plupart des points. Elle ne croit pas cependant avoir terminé sa mission, puisqu'elle n'a pu s'entendre avec la société pour la rédaction d'un avant-projet des

travaux, d'une convention financière et d'un cahier des charges définissant les services incombant au concessionnaire et le maximum des tarifs à percevoir. La société reconnaît elle-même qu'elle n'a pu présenter, sur des divers points, des projets suffisants pour obtenir une approbation complète et sans réserve, constatant l'accord entre elle et la Commission. Peut-être même serait-il nécessaire de joindre au cahier des charges, à titre de renseignements, un projet de règlement du port qui permettrait de se rendre mieux compte des conditions de son exploitation.

L'établissement des pièces de l'avant-projet et du texte du contrat, sur les bases indiquées au cours de ce rapport est une œuvre minutieuse, qui demande un délai dépassant celui pendant lequel ceux des membres d'une Commission internationale qui n'habitent pas la ville où elle siège peuvent y séjourner. Il ne sera d'ailleurs possible de conclure un accord définitif, sur les questions financières encore en suspense, qu'avec le conseil d'administration de la société, et ce conseil, lui aussi, en raison de son caractère international, ne peut pas tenir des séances rapprochées pendant tout le temps nécessaire à l'établissement d'un accord portant sur tous les points de détail.

D'autre part, si on laissait au Corps diplomatique de Tanger le soin de rédiger les textes définitifs, de concert avec la société, ou si on confiait ce soin à la future municipalité, on retarderait sans doute beaucoup l'établissement du port. La Commission instituée pour hâter cet établissement n'aurait pas accompli sa tâche, si elle se séparait sans avoir elle-même mené à bien ce travail à titre purement préparatoire et sous réserve, bien entendu, de la ratification des autorités qui auront qualité pour conclure définitivement: Sultan, Corps diplomatique ou municipalité de Tanger.

La Commission charge en conséquence son président de suivre, avec le concours de MM. Porché et Hecker, la préparation des pièces définitives qui devront être établies sur les bases indiquées dans le présent rapport. Elle se réunira de nouveau dans la première quinzaine de novembre pour arrêter complètement, de concert avec la compagnie, l'avant-projet des travaux et le texte de la convention et du cahier des charges.

Le Président.

Paris, le 29 juillet, 1915.

[118870] No. 61.

Mr. White to Sir Edward Grey.—(*Received August* 25.)

(No. 154.)

Tangier, August 10, 1915.

Sir,

I HAVE carefully studied the report of the Tangier Port Commission transmitted in your despatch No. 56 of the 20th May, but postponed replying, as I hoped to be able to consult M. Porché on certain points therein. As it is possible, however, that he may be detained some time at Madrid, I will not further delay my reply.

It will perhaps be more convenient to deal first with the two principal proposals to which Captain Frederick draws attention in his letter of the 12th April, viz:—

1. Providing a subsidy for the concessionnaire from the funds of the Caisse spéciale; and

2. Not applying to the port works the provisions of articles 106–108 of the Algeciras Act.

In connection with them we may also consider a third proposal:—

3. Granting to the concessionnaire a further concession for the water supply of the town and harbour, to which may perhaps be also added the concession for the supply of electrical power.

The objections to the first of the above proposals have already been fully set forth and were clearly laid before the commission by M. Porché. It is therefore scarcely necessary to go over the ground again. I fully appreciate the necessity of providing the port company with some guarantee for the interest on the capital outlay, for to pay such interest by raising further capital would be a dangerous course to pursue, as it would saddle the municipality with so heavy a debt that it might have difficulty in freeing itself from the burden for a number of years. Should it be found absolutely necessary to utilise the Caisse spéciale for this purpose, care should, I think, be taken to ensure that the payments therefrom should not exceed the amount actually required to meet the liabilities, the balance being returned to the town.

In view of the extremely difficult financial situation in which the municipality will find itself, especially during the opening years of the new régime, it will be found necessary, to seek relief by every possible means, and therefore I am of opinion that, on the grounds pointed out by Captain Frederick, the Powers might be invited to accept the second of the above proposals, and allow the concessionnaire company to execute the port works itself, due provision being of course made for effective supervision to ensure the construction being efficiently carried out, though the fact that the constructing company have the exploitation will of itself afford a good guarantee.

I am fully alive to the disadvantages of the third proposal above, and the danger of placing too many concessions in the hands of a single company, thus creating almost an *imperium in imperio*. On the other hand, concessions will have to be given to public companies for water supply and for electrical power, as there is little chance of the municipality being able to undertake these works itself. A single company, with a single board of administration, could undoubtedly exploit the various concessions jointly very much more economically than two or three separate companies, each with its own board and organisation.

Moreover, the electrical power will be required both for the waterworks and for the port, for, as regards the first, the water will have to be pumped up to the town, the springs being at a low level, and, as regards the latter, electrical power will be required not only for the lighting of the port, but also as a motive power for the cranes, &c. By uniting therefore these three concessions in one, a great economy will be effected in their exploitation, whilst the port company, by having its field of operations and sources of profit enlarged, would probably be induced to undertake the concession on much more favourable terms, and would not require the guarantees hitherto demanded, thus leaving to the municipality its small resources. A clause might be inserted in the contract giving the municipality the right to buy out the concessionnaire as regards the water supply and electrical power contracts.

Should the concessionnaire company, however, nevertheless continue to demand substantial guarantees notwithstanding the offer of these further concessions, it would not be worth while maintaining the offer. I need hardly add that, if the three concessions are to be granted to the company, care should be taken to reserve all proper powers of control to the municipality, so as to reduce to a minimum the danger of an *imperium in imperio*.

With regard to the details of the report, I am not competent to offer any observations except of a very superficial character.

It is manifestly important that the amount of the "capital actions" be raised as much as possible, the sum of 5,000,000 fr. mentioned in the statutes of the Society being exceptionally small for a concession of such importance.

With regard to the statement in the eighth paragraph of p. 3 of the report, that the Gibraltar authorities are inclined to restrict or even suppress the coal business at that port, I would observe that I believe that the war has shown that it would have been advantageous that there should have been a large stock of coal in private hands as a reserve for the navy in case of need. I understand that the naval authorities never shared the views of the military in this respect, and in future it seems more likely that the coal trade will be encouraged at Gibraltar.

Page 6, *last paragraph*.—It is important to reserve ample space for the future extension of buildings and open spaces required for the purposes of the port.

Page 5, *paragraph* 2.—Half a million fr. seems to me a large sum to allow for the general expenses during the first years. On p. 10 the general expenses and cost of maintenance of the ports together are put at 350,000 fr.

With regard to the port dues to be levied, it must be borne in mind that Tangier will have to compete with other ports, not only Laraiche, Kenitra, and Casablanca, but also Gibraltar, Ceuta, Algeciras, and Algiers, and therefore every effort should be made to attract shipping by levying only moderate dues.

Amongst other vessels it is desired to attract are what might be called tourist steamers, by which I mean not only the large vessels sent every winter on yachting cruises to the Mediterranean, but also the lines passing through the Straits on their way to or from the Mediterranean, the Far East, the East Coast of Africa, &c. Besides any passengers they may carry for Tangier, these steamers bring a considerable amount of money into the country through the large number of passengers who land and spend a few hours on shore. These vessels bring no cargo to Tangier and take none away; if heavy charges are imposed on them they would not call here. They are generally of large tonnage, and therefore, even at the reduced rate of 10 centimes per ton, the amount to be paid would be considerable. Taking as an example the Peninsular and

Oriental Company's steamers, which called here fortnightly before the war, they probably averaged about 10,000 tons gross or 5,000 tons net. At 10 centimes the ton the vessels would pay, on an average, about 20*l*., to which must be added 4*l*. for pilotage if they enter by day, or 8*l*. if by night. Unless, therefore, they carry a large number of passengers for Tangier, it would not be worth their while to call here; they would prefer to drop their Tangier passengers at Gibraltar. It seems to me, therefore, that the question should be studied whether vessels that do not land or embark cargo should not be taxed at a lower rate.

The tax on passengers also, if too high, would prevent people landing and would defeat its own object. On p. 7 it is suggested that first-class passengers should pay 5 fr. for landing, and presumably the same for embarking. This, I think, would effectually prevent any passengers from landing who are not going to remain at Tangier.

The Société internationale ask for a monopoly of landing and embarking passengers (paragraph 6, p. 5). Here, at Gibraltar and at other places, the steamship companies generally land the passengers from their steamers at a low charge, with the result that nearly all the passengers on board steamers calling at the port take advantage of the stay for a short visit to the shore. They certainly would not do so if they had to pay 8*s*. for landing and re-embarking. Again, the charge of 4*s*. is very high in comparison to the cost of the passage from Gibraltar, Algeciras, or other places in the neighbourhood. Before the war the first-class return ticket to Gibraltar cost 12*s*.; to have to pay 8*s*. more for embarking and landing here seems to be out of all proportion. Excursion trips are also frequently run from Gibraltar to Tangier for the day at reduced fares; in such cases the proposed landing and embarking dues would be more than the fare.

The solution might, perhaps, be found in lowering the dues to be paid by passengers and adding a charge on each article of luggage above a certain weight. The present landing charge is 1*s*. per passenger, and 2*d*. for pier due.

The number of passengers per year is estimated at 40,000 in the report. As a matter of fact I am informed that, during the twelve months preceding the war 51,184 passengers landed at Tangier; if we add those who embarked the total would doubtless exceed 100,000.

The question of the tax on goods landed is a difficult and complicated one, and the tariff will need careful scrutiny by some competent person, both with a view to prevent its injuriously affecting the trade of the port and to ensure that it does not fall especially heavily on cottons and other goods of British origin. The tax at present levied is considered high, but it includes all charges, lighterage, porterage from the lighters to the store, manipulation in the store, and porterage from the store to the custom-house. I beg leave to transmit herewith copy of the tariff, from which it will be seen that it is practically impossible to strike an average. I do not know on what the commission base their calculation that the present charges for lighterage alone vary from 8 fr. to 10 fr. per ton (penultimate paragraph on p. 7)

Care must be taken to keep the charges on goods within moderate limits so as to encourage the merchants at Fez and other places in the interior to bring their goods by Tangier rather than by the Laraiche or Kenitra routes. Tangier should be the quicker route, but the transport by rail will be longer and more expensive, therefore, the charges at the port should not be too high. On the other hand, they should be as high as possible within those limits, so as to make the port remunerative. A suggestion is made at the end of the third paragraph on p. 8 that the charges might vary according to the freight paid; that is to say they might be lower on goods coming from the nearer ports, and higher on those coming from further. It seems to me that such discrimination would unfairly favour the nearer countries, for, if goods coming from London or Liverpool, for instance, not only have higher freights to pay, but also higher landing charges, it will be difficult for them to compete with similar goods coming from Spanish ports or Marseilles.

The municipality should have a voice in the general question of port charges on vessels, passengers, and goods, as, the port company being to some extent guaranteed, their interests will not always necessarily coincide with those of the municipality.

As pointed out by the commission, the Société internationale appears to have underestimated the receipts to be expected, having taken no account of certain sources of revenue which together should bring in a considerable sum.

In the second paragraph of p. 9 the total revenues from dues on goods is put down as 1,185,000 fr. I presume, therefore, that the 600,000 fr. at the end of the sixth paragraph on p. 8 is a misprint for 60,000 fr. If so, I agree with the commission that

the amount is too low, considering the increased dues to be charged and the curtailment of the term during which goods may be left in the store free of charge. These dues in 1913 amounted to about 40,000 fr., and, in the first six months of 1914, to 26,486 fr., though the free term was twenty days, and the tax only 1·60 fr. per 100 kilog. per month, whereas the new tariff proposed allows three free days, and the tax varies from 4·50 fr. to 18 fr. per month.

The suggestion made in the first paragraph on p. 9 that the railway company should contribute to the expense of building the quays on which its lines are to be laid appears to me to be a good one.

The large extent of land to be recovered from the sea will be a very important asset, and it appears to me that the Société internationale does not take sufficient account thereof. It would doubtless be a mistake to put all that land on the market at once, but portions could be sold as occasions offered, and a considerable revenue could probably be obtained by letting other portions on building leases, &c. I believe very large returns are thus obtained at Tunis, and it has been found to be more profitable to let such lands than to sell them, except at very high prices.

As observed above, I consider that an ample portion of the terreplein should be reserved for the future requirements of the port—100 meters (misprinted inches) at least, as suggested in paragraph 6, p. 12. The remainder, exclusive of what is required for the railway and for roads, should be divided into lots, and sold or let as may be more profitable and as occasion may offer. It is, in my opinion, of the utmost importance that the municipality should have a control over these lands, and that the concessionnaire company should not be permitted to dispose of them in any way without its consent.

There is, I fear, a danger that the banks raising the capital may seek to make unduly large profits on the transaction unless some control is exercised. In the case of the loan, for instance, which was raised by the Makhzen, the price of emission was very different from that which the banks paid the Makhzen, the profits being unduly large.

The amounts calculated for "Intérêts intercalaires" appears to me to be overstated, for, as pointed out by the commission, the larger part of the capital will not be called up till near the end of the period of construction, and, though it may be necessary to raise the total sum required to meet the interest at the beginning, the portion not required at first would doubtless be deposited and bear interest.

I entirely concur in the observations made by the commission (4th paragraph of p. 13) as to the necessity of increasing, so far as possible, the financial resources of the municipality. It would be most unfair towards the municipality that the concessionnaire should be guaranteed against any loss, and yet should practically take all the profits, and that the municipality should have to pay a fixed sum from the Caisse spéciale or other funds, even though there is no deficit to meet. There should, I think, therefore be inserted in the contract some such clause as is suggested in the last paragraph of p. 15 to secure for the municipality its fair share of any profits, and to restrain the concession company from improperly reducing those profits by incurring unnecessary expenses. In order to assure this the municipality should, I think, have some right of inspection of the concessionnaire's account.

I concur in the suggestion made in the first paragraph on p. 17 that the commission should draw up the definitive contracts, &c., and annex to the "cahier des charges" draft port regulations laying down the conditions of the exploitation. This would be far preferable to leaving it to the Diplomatic Body at Tangier to draw them up. It might be argued that this should be left to the future municipality, especially if concessions for water and electric power are to be added; but it was the universal wish of the population of Tangier, as expressed to the Madrid Commission in 1913, that the concession for the port should be granted without waiting for the institution of the new régime.

There is one other point on which I should, perhaps, touch, and that is the question of the quarries. The report states (paragraph 4 of p. 3) that quarries of suitable stone exist within 6 kilom. of the port. I am not certain what quarries are here referred to, but presume they are situated in the Tangier zone.

It should be borne in mind that there have been questions in the past as to quarrying rights, and attempts to quarry have led to trouble, serious disturbances having been threatened. It might be prudent to examine this question closely before signature of the contract, in order that there should be no risk of disturbances being created through the concessionnaire insisting on quarrying notwithstanding the opposition of the natives, or of the concessionnaire making any claim on the municipality

for not being able to obtain the necessary stone owing to the inability of the authorities to maintain order and allow the quarries to be worked.

I have, &c.
HERBERT E. WHITE.

[158381] No. 62.

Mr. White to Sir Edward Grey.—(*Received October* 26.)

(No. 198.)

Sir, *Tangier, October* 16, 1915.

WITH reference to my despatch No. 154 of the 10th August, I have the honour to report that M. Porché, who has just returned from Paris, informs me that whilst there the Société internationale pour le Développement de Tanger approached him with a view to coming to an understanding as regards the terms of the concession to be granted for the Port of Tangier. The director of the society informed him that, though during the war it would not be possible to actually launch the undertaking, they were very desirous of making all the preliminary arrangements and arriving at an agreement as to the terms of the concession, so that once peace was re-established no time would be lost in discussions, but the money could be raised and the work proceeded with at once. It was suggested, therefore, that M. Porché, as representing Tangier, should discuss the financial aspect of the question with a specialist representing the Société, and the result arrived at would be communicated to the Technical Commission, which was sitting in Paris last year, without, of course, the German member. The agreement arrived at might then be submitted to the Diplomatic Body at Tangier in order to allow the Governments not represented on the commission to examine the project and make any observations they might have to offer thereon. Much time would thus be saved. The matter could then be allowed to stand over until the end of the war, when the final adjustments could be made, and any modification of the distribution of the capital that might be thought necessary might be introduced.

The Société has selected M. de Fages de Latour, a retired ingénieur général des Ponts et Chaussées, late chief of the public works service in Tunis, to examine the project from the financial point of view and discuss it with M. Porché. They had several meetings, but M. de Fages desired time to study the question thoroughly, so it was arranged that he should let M. Porché know when he was ready to continue the discussion, and the latter would then return to Paris for the purpose.

M. Porché considered it very fortunate that M. de Fages should have been selected for the work, as he was specially competent in such matters. His services could not have been secured at any other time, as he is a director of the important Paris firm of Thomson-Houstin, and his time is fully occupied with his duties in that capacity, he has, however, been mobilised, and is at present serving as a colonel at Paris, where his duties are light; he is thus able to undertake this work during his spare moments. He is acting, however, entirely unofficially, and M. Porché tells me he does not wish his name to be mentioned in connection with the matter.

I have, &c.
HERBERT E. WHITE.

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